



REGULAR PLANNING BOARD MEETING AGENDA

October 25, 2011

5:00 p.m.

Pledge of Allegiance

Roll Call

1. Minutes:

- 1.1. Approval of the September 27, 2011 regular meeting and work session minutes

2. Consent Agenda Items:

- 2.1. UVS 082807 Consideration and action on a request for a one-year time extension of The Sanctuary, located east of Green Hill Country Estates Phase 6 past the end of Maple Drive, 6 Lots (Timothy Charlwood, Applicant)

3. Regular Agenda Items:

- 3.1. UVS091911 Consideration and action on a request for final approval of Sleepy Hollow Subdivision 1st Amendment, 1 Lot, and a recommendation to vacate the following: Sleepy Hollow Subdivision Lots 17, 18, and the 14.5-foot wide un-named road on the north side of Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon
- 3.2. ZTA 2011-02 Amendment to amend Chapter 28 (Nonconforming Buildings, Uses, and Parcels: allowing boundaries within an approved subdivision not meeting current zoning to be able to realign lot lines within the subdivision (Rex Mumford, Applicant)
- 3.3. DR 201-09 Consideration and action on a request for Design Review approval of the Eden Center located at 2612 N Hwy 162 (Wop Wom LLC, Applicant; Tyler Nelson, Agent)
- 3.4. Discussion Heliport Ord. Discussion

4. Public Comments:

5. Planning Commissioner's Remarks:

6. Staff Communications:

- 6-1. Planning Director's Report
6-2. Legal Counsel's Remarks

7. Adjourn to Convene a Work Session

- WS1.** Discussion Amendment to the Weber County Subdivision Ordinance Chapter 4 (Subdivision Improvements Required)

The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

A pre-meeting will be held in Room 108 where no decisions are made



In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Testifying at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When testifying please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All testimony must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when testimony is pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat testimony that has already been given. If you agree with previous testimony then state that you agree with that testimony.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly hand written with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

Minutes of the Ogden Valley Township Planning Commission meeting held September 27, 2011, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Chair; Greg Graves, John Howell, Laura Warburton, Jim Banks, Dennis Montgomery, Ann Miller

Absent/Excused:

Staff Present: Rob Scott, Director; Sean Wilkinson, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call

1. Minutes:

- 1.1. Approval of the August 23, 2011 regular meeting and work sessions minutes.

MOTION: Chair Parson declared the August 23, 2011 meeting minutes approved as amended.

2. Regular Agenda Items:

2.1. Edgewater Beach Subdivision Discussion:

Eric Langvardt, Land Planner, introduced Reis Howell, Jr., Celtic Bank/Owners, and Ray Bertoldi, Architect and said that he had discussed this plan with Sean and they are bringing the plan forward. The plan is substantially different from anything that they have seen on this property so before they go into the full expense and time of this, they wanted to bring this concept forward, give their presentation, and get some additional feedback from this Planning Commission.

Eric Langvardt said there was a 2004 PRUD approval for roughly 68 units in that original approval with four units built. There are existing condominiums located in this area with associated parking with that. A few months ago, a potential buyer had a plan and asked what could be done with some modifications of that plan. They are here with a completely different plan that concentrates on today's market and some of the proposed uses on this property that reflect those changes. They are looking at significant changes in density; from the 168 units they are not looking at 54 units of residential; that is a mix of 36 single-family detached lakeside or garden cottage homes. There are 3 duplex units with a total 6 units, and 4 tri-plex units of 12 units which made up the 54 residential units. In addition, they are looking at a small recreational commercial component that would somewhere around 5000 sq ft of commercial at the entry of project. There is also a concept for storage barns at about 14,000 sq ft. to provide the opportunity for recreational users to store their boats and other apparatus'. They have organized the uses and they are transitioning their densities from the commercial node at the entry; it is important use for the recreational users in the area to have the commercial node at the front of the property. The storage barns are actually tucked in the hillside along the front edge and you can see the conceptual evaluation off to the side and they've meander their placement along the highway, planning on a highway corridor trail and work through the trail access there with the Weber Pathways. With all of their proposals, the garage doors not only on the storage barns but also on the residential units have the backs to each other. That was one of their priorities to make this more of a front porch architectural forward project.

Commissioner Graves asked who would be the users on the storage barns - the residents that reside there or would it be available to other people? Mr. Langvardt replied the currently, it would be conceived to be open to other people; it would be a commercial use that would be for sale or rent and almost like a condominium type potentially and the concept for the people in the valley to store their boats.

Eric Langvardt said they talked about the retail node, the mix of the products, one important thing with this plan is the front porches, and these units are all centered on something, whether that is an amenity such as a meadow with a union pavilion or an opportunity for an open space activity.

Chair Parson asked if they were thinking along the lines of two stories. Mr. Langvardt replied maybe 2-story or 1-1/2 and they are very sensitive with the placement of the entry road and maintaining a view of the project that the old project did not have.

Commissioner Warburton said it looked as if that beach is private and she wondered if that was allowed. Mr. Langvardt replied that they are in the process of talking to the Forest Service. They do not want to make it private but want to discuss getting access with them, which is the best way to get down there with the natural grade.

Chair Parson asked if they were going to build a stone wall, and Mr. Langvardt replied that they looking into some of those elements such as a dry-stacked stone wall in the garden area not on the entire property area, but it is an architectural/landscapes theme that they want to integrate there.

Commissioner Warburton asked what kind of commercial uses were they looking at, and Mr. Langvardt replied that it is really driven by what people want there, but they envision recreational uses such as a small outfitters shop; they see it as a way to fulfill a need.

Commissioner Howell asked what the average square footage of the envisioned homes are. Mr. Langvardt replied 2,500-3,000 sq. ft. on the single family.

Commissioner Hollist asked which way the front of house would face towards the driving part. Mr. Langvardt replied that it would face the path part so it would either be facing the lake and these units front an amenity where it's truly an urban area where the front porches dominate the street and not the garages.

Commissioner Hollist said it seemed that the land would fall away fast enough that those behind would actually look over the roofs of the others. Mr. Langvardt replied not quite that rapidly, you will get distant mountain view with a two-story house; the distance is 150 feet of open space. If you look at Plan 2, the way that it's organized that's where this open space comes in handy.

Commissioner Hollist voiced his concern with the high-speed access. Mr. Langvardt replied that they would go through the same process whether it was for 54 units or 160; they would get with the engineer and do whatever had to be done. Chair Parson added they will have to adhere to state and federal agency requirements.

Commissioner Graves indicated that having public access to the storage barns could be a real nightmare. He liked the way they have them broken up as far as not being a solid across the front. The original plan had called for a 100-foot setback, and he assumed that is still the case. Mr. Langvardt replied that they are proposing to reduce that mostly because of the commercial use. It was originally 100 ft. due to the adjacent property and it works well with commercial use where its combined and they are also tucking them into the slope.

Chair Parson asked if the gate aspect was for more storage units for the use of the people in the community. Is there another gated access to the east of eleven? Mr. Langvardt replied that the current proposal would be to have that security for the storage units still leaving the commercial component accessible.

Commissioner Graves said that he needed to remind them that there is a canal that goes through there and part of the owner's obligation would be to maintain that and have it piped or whatever the canal company requests. It was part of the original agreement and that would be something they will insist on because the canal supplies all the water to the farms. Mr. Langvardt replied that there were aware of the canal.

3. **Public Comments:** There were no public comments.
4. **Planning Commissioner's Remarks:** There were no Planning Commissioner's remarks.
5. **Staff Communications:**
 - 5.1. **Planning Director's Report:**

Rob Scott said he wanted to remind them of the upcoming APA Conference. Staff has scheduled a van and they could leave early and carpool down. Commissioner Montgomery asked since they are from the valley, wouldn't it be easier to bring the van up to them. Mr. Scott replied that they also have the Western Weber Planning Commission coming and he would be sending out an email of the times and so forth.

Rob Scott said they submitted two potential awards; one was for our Weber County Cooperative Trails Master Plan, and the other one was for the Destination/Recreation Resort Zone. He was pleased to inform that it will be announced at the conference that they have received the Award of Merit for both of those projects. Both of those projects are outstanding and not everyone that submitted gets the award. There was a lot of great cooperation with the county government and outside the county government to come up with those finished products.

Chair Parson asked what day they are going to give those awards out. Mr. Scott replied on Thursday at 6:30 p.m. where they will be doing a presentation and stating congratulations to the Planning Commission members for their participation.

5.2. Legal Counsel's Remarks:

Chris Allred responded to a question about elk. Commissioner Hollist replied that if clients come to the lodge located on hillside and mountainous property to hunt domesticated corralled elk, what are the land use principles that would help him understand such things that come before them. Mr. Allred replied that there are too many principles to explain but the State of Utah has defined domesticated elk as livestock, and as far as land use they are considered livestock.

Commissioner Hollist asked if that designation extends to the 1,200 sq. foot facility that they wish to put along on North River Drive to process these elk. Mr. Allred replied what has happened is that the owner of that property has made an application for a land use permit to engage in cutting up some of that elk there on the site. A land use permit was granted and neighbors took issue with that and appealed that decision to the Board of Adjustment. However, before the Board of Adjustment had an opportunity to hear that matter and make a decision, the applicant on the advice from their attorney, decided to withdraw that request from the board, and take it to the State's Property Ombudsman for an opinion, and that's where it is currently. What happens then is the Ombudsman seeks input from all relevant parties, and then the Ombudsman will provide an advisory opinion on whether staff issued that land use permit properly. The opinion isn't binding but there are some ramifications that come from that opinion if it goes on to litigation, and there may be some fees. What would probably happen is the Ombudsman would issue an opinion and if that doesn't resolve the matter, then it would come back to the Board of Adjustment for their opinion.

The applicant has argued that the Planning staff was not the correct entity to make the decision to issue a land use permit in the first place; therefore, he would advise the members to try not to solicit information because their argument is that the Planning Commission is the proper entity to decide the issuance of a land use permit. He does not believe that is correct, but if it did, then it would come to you to make that decision. If that were to happen, you would find yourself with your quasi judicial, and so you would not want to engage in a lot of dialogue until such time that is resolved.

Commissioner Warburton asked if there was a fee borne by the taxpayers for an Ombudsman and if anybody can ask for an opinion. Mr. Allred replied that there is a fee because somebody pays the Ombudsman's salary. State code governs the Ombudsman and it would have to fit within land use.

6. The Meeting adjourned to convene to a Work Session.

WS-1. Discussion on a proposed text amendment to the Weber Zoning Ordinance by amending the definition of "school," adding to the definition of "Therapeutic School," establishing the facility requirements, and to include "Therapeutic School" as a conditional use in the F-5, F-10, F-40, AV-3, FR-3 and CV-2 Zones.

Ben Hatfield reviewed the staff report and asked for the Planning Commission to give him direction on how to proceed.

After a series of discussions, the Planning Commission gave staff direction to review the Duchesne County lawsuit and ordinance language. They also wanted to know what some other areas are doing and if there was any ordinance language that they could use to limit Therapeutic Schools.

WS-2. Adjourned: There Being No Further Business, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted, Kary Serrano, Secretary, Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a one year time extension of The Sanctuary
Agenda Date: Tuesday, October 25, 2011
Applicant: Timothy Charlwood
File Number: UVS 082807

Property Information

Approximate Address: East of Green Hill Country Estates Phase 6 past the end of Maple Drive
Project Area: 517.41 Acres
Zoning: Forest 40 Zone (F-40)
Existing Land Use: Forest/Recreation
Proposed Land Use: 6 Lot Residential Subdivision
Parcel ID: 21-001-0008, 0009, 0010, 0011, 0012, and 23-012-0022
Township, Range, Section: T6N, R2E, Sections 3 & 4, and T7N, R2E, Section 34

Adjacent Land Use

North:	Forest/Recreation	South:	Forest/Recreation
East:	Forest/Recreation	West:	Residential Subdivision

Staff Information

Report Presenter: Sean Wilkinson
swilkinson@co.weber.ut.us
801-399-8765
Report Reviewer: JG

Applicable Ordinances

- Weber County Subdivision Ordinance

Background

The Sanctuary received a recommendation for final subdivision approval from the Ogden Valley Planning Commission on October 26, 2010. The subdivision will not be recorded within one year from the date of final approval and will become void as of October 26, 2011. The petitioner is requesting a one year extension which would extend the final approval date until October 26, 2012. The Weber County Subdivision Ordinance (26-1-7 (B)) allows one time extension of final approval for a period of one year. All of the requirements and conditions of approval for the subdivision remain unchanged.

Summary of Planning Commission Considerations

Should the request for a one year time extension of The Sanctuary be granted?

Conformance to the General Plan

The request meets the requirements of the Weber County Subdivision Ordinance (26-1-7 (B)) and does not affect the subdivision's compliance with the Ogden Valley General Plan.

Conditions of Approval

- All of the requirements and conditions for The Sanctuary remain unchanged.

Staff Recommendation

Staff recommends approval of a one year time extension for The Sanctuary because the request meets the requirements of the Weber County Subdivision Ordinance (26-1-7 (B)).

Exhibits

- A. Subdivision Plat
- B. Planning Commission Minutes from October 26, 2010
- C. Applicant's Request Letter

Map 1



Commissioner Warburton asked for further clarification of the road issue. Brandi Hammond indicated that as it stands now, the road is a dedicated road.

No public comment was offered

MOTION: Commissioner Warburton moved to table CUP 2003-12 until they have further information on the road, letter from the landscape architect justifying eliminating the number of trees, that the applicant submits an expanded elevation to the top of the ridge and that the applicant look at the possibility of swapping the 6-plex where the tennis court was eliminated with Building 11 so there is single family dwelling in that spot which would have a smaller footprint. Commissioner Parson seconded the motion

DISCUSSION: Commissioner Graves indicated his concern that the original plan was approved with little development on the west side and with a tennis court proposed as a transition buffer. The new proposal fills that gap with a building and he does not recommend it. The idea was to keep the height limited to 25 ft. and not to create another wall on the west side so there is more of a buffer between this development and the farm next door. He does not want to see them wall the west side.

Commissioner Warburton indicated that hopefully the screening would cover more of the west side. She suspects that the proposal does not meet Chapter 18C and she would like verification that it does. Commissioner Parson agreed with the landscaping used as screening.

Commissioner Warburton asked if a parking lot would be better located in the area where the tennis court was to be located. Sean Wilkinson indicated that the proposed parking numbers are sufficient. Chair Graves indicated that one possibility is to switch Building 11 so there is single family dwelling in that spot which would have a smaller footprint. Commissioner Parson agreed with Chair Graves.

Concern is to move higher density on the west side to the east side. Chair Graves indicated that his preference is to keep the proposed trees and possibly move them to the east side as a screen. In addition, he would like to see a commitment that the applicant adds the amenities in the second phase or third phase.

Monette Hurtado indicated that the Fire District would not approve BBQ's on the individual patios.

Chair Graves indicated that he would suggest that the applicant looks at concentrating the sod in the property's interior and transition to the outside with native grasses.

Commissioner Howell indicated that a picnic pavilion could be located in the eliminated tennis court area.

VOTE: A vote was taken and Chair Graves indicated that the motion carried (7-0) with Commissioners Allen, Banks, Howell, Parson, Siegel, Warburton and Chair Graves all voting aye.

3-2. UVS 082807 Consideration and action on a request for final approval of The Sanctuary (6 Lots), located east of Green Hill Country Estates Phase 6 past the end of Maple Drive; Timothy Charlwood, Applicant

Sean Wilkinson presented a staff report and indicated that while each of the lots The Sanctuary consists of 6 lots on 521 acres and lies in an F-40. While each of the lots has at least 40 acres, the majority of the property is steep and unable to be developed. Each of the lots has a building pad for a dwelling and an accessory building shown on the plat. These building pads exceed the 75 x 100 foot requirement, but several of the building pads do not meet the setback requirements. On lots 2 and 6 the accessory building pad needs to be at least 40 feet from the side property line, which can easily be done. On Lot 1 both of the building pads need to be moved to meet lot and stream corridor setbacks. A 75 x 100 foot building pad for the dwelling could fit within the required setbacks, but the accessory building pad would have to be significantly reduced or eliminated. If the building pads cannot be shown on this lot, it will be designated as a restricted lot and the future structures will be required to go through a hillside review process. The Planning Commission should ask the applicant to decide what

will be done with this issue. The building pads on lots 3, 4, and 5 meet the necessary requirements.

The Planning Commission may want to discuss fencing provisions for the subdivision. Staff recommends final approval of The Sanctuary, subject to review agency requirements. Sean Wilkinson indicated that only one home would be built on each lot.

Commissioner Siegel indicated he had a concern about Lot 4 where the building envelope would be located due to the contour lines. He believes that the best location for the envelope is where the contour lines reduce. Sean Wilkinson indicated that if the building envelope falls within the ridgeline restrictions, the home could still be built there with additional restrictions.

Commissioner Warburton asked what guarantees do they have that future owners would not change things that could cause an avalanche. What guarantee do they have that there would not be fences or gates along the trails. Sean Wilkinson indicated that the trails would be private trails. The applicant's CC&R's could address fencing of trails. The length of the cul-de-sac can be discussed by the Planning Commission because it is in a mountainous area.

Commissioner Siegel indicated Building Lot on top of Lot 4, which is right on the top of the hill, is a concern to him. Tim Charlwood, applicant, indicated that Lot 4 is a huge lot and he does not perceive any issues with the proposed building area. Commissioner Siegel asked if the wind could be a problem for Lot 4 and Mr. Charlwood indicated that he did not believe so.

Elsa Spencer indicated that she has done a lot of hiking in the area. Her concern is that the building on Lots 4, 5 & 6 that they hold to the Sensitive Lands Ordinance of keeping earth tones, not have reflective glass, etc. to keep with the rural atmosphere.

MOTION: Commissioner Parson moved to approve subject to all staff and agency recommendations. Commissioner Banks seconded the motion

VOTE: A vote was taken and Chair Graves indicated that the motion carried (7-0) with Commissioners Allen, Banks, Howell, Parson, Siegel, Warburton and Chair Graves all voting aye.

3-3. ZO-2010-09 Consideration and action to amend Chapter 34 Home Occupation of the Weber County Zoning Ordinance

Iris Hennon presented a staff report, which answered the questions the Ogden Valley Planning Commission and the Western Weber County Planning Commissions have had.

The Western Weber County Township Planning Commission felt that a resident with homegrown produce should be allowed to do so without the application of a business license.

Regarding home occupations in the garage, the Building Official indicated that it changes the occupancy of the garage and would require upgrade costs.

Ms. Hennon handed out an article in the Monday, October 18, 2010 newspaper regarding a home occupation request in North Ogden City for auto body repair in a single-family home garage.

The County Commission would like to see 34-3-12 language remain with one additional sentence.

Western Weber County Township Planning Commission asked staff to research allowing employees with home occupations. The consensus of numerous Utah Planners was "No," employees should not be allowed other than the residents of the home. In addition, interior alterations shall be subject to building inspection requirements.

Commissioner Warburton indicated that farmers markets are not allowed in the CV-1 and CV-2 Zone at present. Iris Hennon indicated that staff could propose amending those zones to allow a farmers market.

Exhibit C

Tim Charlwood

9793 N Basin Canyon Road, Park City, Utah USA
Mailing Address: P.O. Box 980400, Park City, Utah 84098-0400
Tel: 435 901 2337. Email: timcharlwood@gmail.com

23rd September 2011.

Sean Wilkinson,
Weber County Planning Dept.,
2380 Washington Blvd, Suite 240
Ogden, Utah 84401-1473

Final Planing Approval The Sanctuary, Huntsville

Dear Sean,

Thank you for the reminder regarding my planning approval extension.

This is to confirm I do request a one year extension from 26th October 2011 for the final approval.

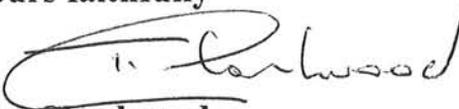
I have been progressing the conditions for approval including obtaining the required approval from the health Dept. for the Septic site on lot 1, now completed.

Hansen Associates have sent in the planned final plat drawings completed last week and we await any comments.

I am working on costings for utilities and completion of roads and will required additional time for this.

I enclose a check for \$300 as requested.

Yours faithfully


Tim Charlwood



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of Sleepy Hollow Subdivision 1st Amendment (1 Lot), and a recommendation to vacate the following:
- Sleepy Hollow Subdivision
- Lots 17 and 18 and the 14.5 foot wide un-named road on the north side of Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon.

Agenda Date: Tuesday, October 25, 2011
Applicant: Keith and Belinda Rounkles
File Number: UVS 091911

Property Information

Approximate Address: 546 Ogden Canyon
Project Area: 1.32 Acres
Zoning: Forest Valley 3 Zone (FV-3)
Existing Land Use: Residential/Cell Tower Site
Proposed Land Use: Residential/Cell Tower Site
Parcel ID: 20-133-0001, 20-031-0014
Township, Range, Section: T6N, R1E, Section 18

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Sean Wilkinson
swilkinson@co.weber.ut.us
801-399-8765

Report Reviewer: SW

Applicable Ordinances

- Weber County Subdivision Ordinance
- Zoning Ordinance Chapter 12 (FR-1 Zone)
- Zoning Ordinance Chapter 28 (Nonconforming Buildings, Uses, and Parcels)

Background

Sleepy Hollow Subdivision was recorded on July 6, 2010. The owners recently purchased property adjacent to the subdivision and have submitted an application to combine this new property with Sleepy Hollow Subdivision. The additional property is part of Lots 17 and 18 of Block 11 of The Hermitage of Ogden Canyon and contains approximately 0.24 acres. The resulting amended subdivision, known as Sleepy Hollow Subdivision 1st Amendment, contains 1.32 acres and has a lot width of more than 150 feet on Highway 39, both of which meet the requirements of the FR-1 Zone. A "no access" line has been placed on the subdivision boundary with Highway 39 and access to the subdivision is on an existing dedicated 14.5 foot wide road in the Hermitage Subdivision. The road in the Hermitage was dedicated in 1919 and is considered legal access, despite not meeting current zoning requirements. Culinary water is provided by Ogden City and wastewater treatment is provided by an individual septic tank. A Hillside Review has already been approved for Sleepy Hollow Subdivision and that approval applies to the amended subdivision as well unless the approved plan is changed.

As part of the subdivision amendment, the original Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, the 14.5 foot wide un-named road on the north side of Lots 17 and 18, and Sleepy Hollow Subdivision must be vacated. These subdivision lot and road vacations require a recommendation from the Planning Commission to the County Commission. The purpose of vacating these subdivision lots and roads is to eliminate the potential for future title mistakes involving the vacated lots.

Summary of Planning Commission Considerations

- Do the amended subdivision and the proposed subdivision lot and road vacations meet the requirements of applicable County ordinances?

Conformance to the General Plan

The amended subdivision and proposed lot vacations meet the requirements of applicable Weber County ordinances and conform to the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the Weber County Health Department

Staff Recommendation

Staff recommends final approval of Sleepy Hollow Subdivision 1st Amendment based on its compliance with applicable County Ordinances and the Ogden Valley General Plan. Staff also recommends that Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, the 14.5 foot wide un-named road on the north side of Lots 17 and 18, and Sleepy Hollow Subdivision be vacated.

Exhibits

- A. Sleepy Hollow Subdivision plat
- B. Sleepy Hollow Subdivision 1st Amendment plat
- C. Subdivision access map
- D. Applicant's vacation request

Map 1



Exhibit C

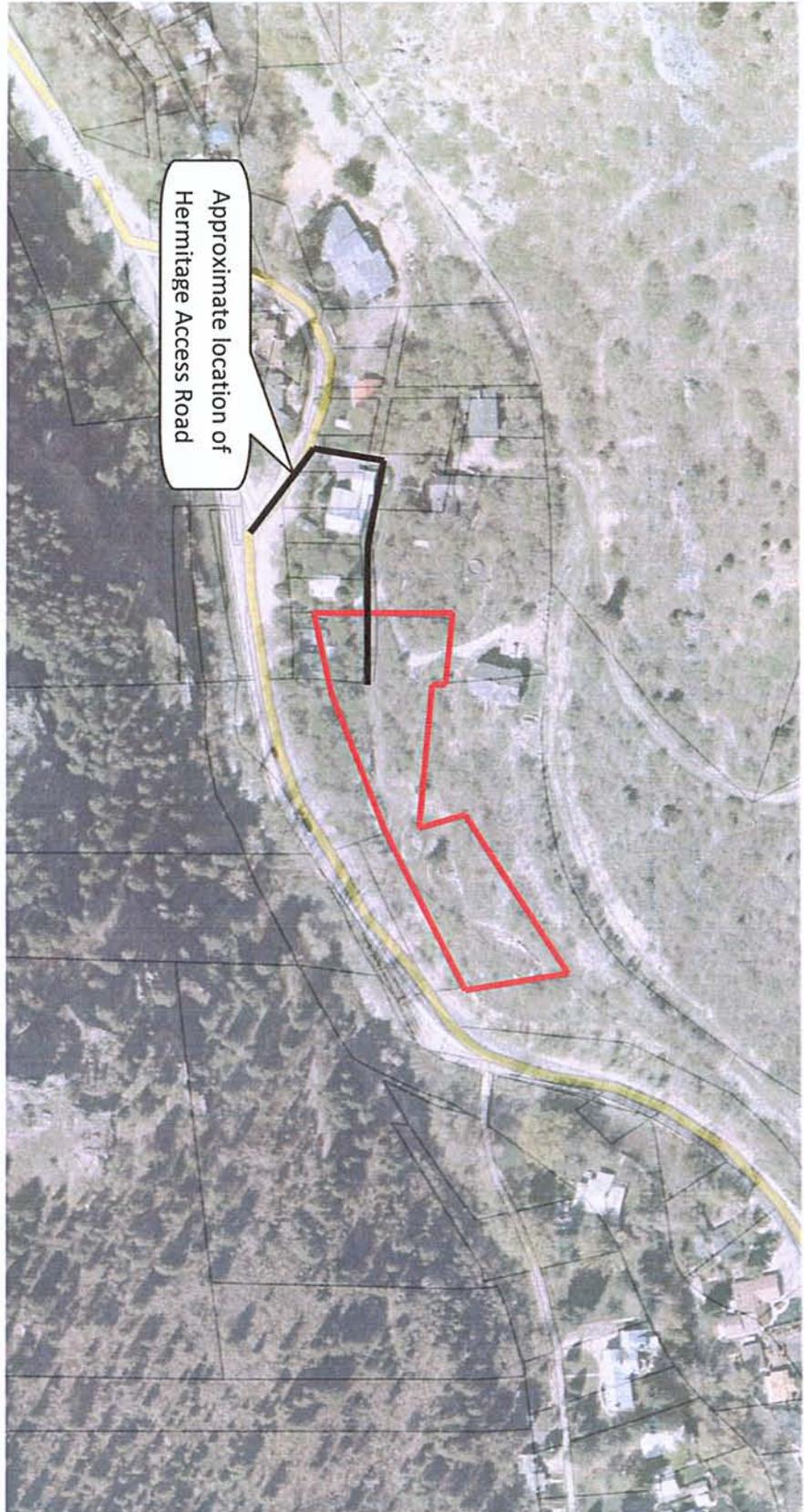


Exhibit D

Weber County Vacation Application		
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401		
Date Submitted / Completed <p style="text-align: center;">9-8-11</p>	Fees (Office Use)	Receipt Number (Office Use) <p style="text-align: center;">Subvac 2011-05</p>
Requesters Contact Information		
Name <p style="text-align: center;">Keith & Belinda Rounkles</p>		Mailing Address <p style="text-align: center;">546 Ogden Canyon Ogden UT. 84401</p>
Phone <p style="text-align: center;">801 668 8844</p>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail
Email Address <p style="text-align: center;">Keithrounkles@comcast.net</p>		
Property Information		
Address <p style="text-align: center;">546 Ogden Canyon</p>		Land Serial Number(s) <p style="text-align: center;">201330001 & 200310014</p>
Vacation Request <input type="checkbox"/> Easement <input checked="" type="checkbox"/> Road <input type="checkbox"/> Subdivision <input type="checkbox"/> Subdivision Lot		Current Zoning
Subdivision Name		Lot Number(s)
Project Narrative <p style="text-align: center;">Vacate Lot 17 & Lot 18 & adjoining road to North of the "Hermitage of Ogden Canyon Subdivision" ↓ vacate Steeply Hollow Subdivision # all parcels being vacated will be combined into one sub-division</p>		
Property Owner Affidavit		
I (We), <u>Keith & Belinda Rounkles</u> do hereby declare and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.		
 _____ (Property Owner)	 _____ (Property Owner)	
Subscribed and sworn to me this _____ day of _____, 20 _____		
		_____ (Notary)

Summary of Planning Commission Considerations

- Should non-conforming lots be allowed to become more non-conforming to current zoning?
- Should the Planning Commission continue supporting ordinances that appear to circumvent the General Plans 3-acre requirement?
- Should a property owner be allowed to sell property to a property owner outside the subdivision, as long as the subdivided lot meets the area and frontage requirements when the lot was created, and the receiver of the additional property meets current zoning?

Staff Recommendation

Staff recommends that the Planning Commission recommend to the County Commission approval of the proposed change, if the Planning Commission can make findings that non-conforming lots can become more non-conforming where zoning has increased the lot size requirement.

Exhibits

- A. Applicant's narrative
- B. Staff language

Description of the amendment and /or proposed changes to the ordinance.

Reference to: 28-11

Proposed Change

A subdivision which has been approved and recorded prior to a change in zoning requiring larger lots, may realign the boundaries within the subdivision changing the size of the lots within the approved and recorded subdivision with the following provisions:

- 1 – No lot within the subdivision shall be less in size than the original zoning requirement allowed at the time the subdivision was created.
- 2 – The required frontage width is not altered or changed within the subdivision.
- 3 – No new parcels or lots are created.
- 4 - An amended subdivision plat shall be submitted for approval and recorded with the boundaries changes.

Rationale for the change:

Currently once a subdivision has been created meeting the current zoning and afterwards the zoning has changed requiring larger lots, a change of boundary within the subdivision is not allowed to reduce any lot to a size less than the current zoning. Whereas had the zoning change requiring larger lots not taken place, a change of boundary within the subdivision would have been allowed subject to zoning requirements.

History:

In 1960 my parents obtained approximately 4.32 acres of property from my grandparents parcel of land. They built a home on this parcel in 1961. Around 1993 I obtained a parcel of land from my parents parcel. As I was desirous to build upon the parcel I had obtained I learned I needed to formally subdivide the property. I subdivided the property under the 1-acre zoning creating one lot at 1.66 acres and the other lot at 2.66 acres. The 1.66-acre lot was my original parcel size of property. After creating the subdivision the zoning changed requiring 3-acre lots. We built our home under the 1-acre zoning requirement. After building my parents wished to give or sell me part of their 2.66 acres. They did not have a use for such a large parcel and did not have livestock or the ability to farm or tend to the acres beyond what their home and outbuilding required. Additionally they desired to lessen their property tax burden and irrigation water expense through this

transfer. They desired to keep the one-acre that was required when they built and when the subdivision was created. Had we had the foresight we could have created the same subdivision with one lot, my parents, at one acre, and the other lot at 3.32 acres. This would have placed the tax burden, irrigation water burden, and stewardship of the land with my lot. We approached planning with the desire to modify the subdivision boundaries to one acre for my parents with the remaining acreage on my lot. I was informed due to the zoning change to 3 acres, we could not reduce any lot within the subdivision to less than it already is, so the adjustment is not possible under current zoning. Logic would seem to allow for a change of boundaries within the subdivision under the zoning requirements at the time of the subdivision creation and not subject to newer or later zoning changes which took place after the creation of the subdivision. This logic would be subject to not creating any new lots within the subdivision or changing the requirements imposed by the zoning at the time of the original subdivision upon each lot.

There may be others within the county that have similar situations where family own all the lots within a subdivision and desire to align the boundaries within the subdivision for desired property use and alignment of the tax and stewardship responsibilities within the subdivision. This amendment would allow these changes, yet not alter the original zoning intent of the subdivision.

28-11. Parcels in Areas Subjected to Change in Zoning

Where lot area and/or frontage/width requirements have increased as a result of a change in zoning, the following shall apply:

1. Parcels not meeting current zoning as to area and/or frontage/width requirements, but containing a single family dwelling which:
 - A. Were built on and created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law and met area and frontage/width requirements for the zone in which they were created at the time they were created are considered nonconforming parcels; or
 - B. Were created and recorded with an existing single family dwelling after July 1992 changes to the Utah Code, Subdivision Law but prior to the change in zoning, and met area and frontage/width requirements for the zone in which they were created at the time they were created shall submit an application for subdivision approval.
 - C. Were part of a legal subdivision, but were further divided, and met the requirements of (A) or (B) above shall be subject to the note below.

Note:

No lot within a subdivision approved by the Planning Commission and County Commission and recorded in the County Recorder's Office in accordance with the provisions of the Subdivision Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded without first obtaining the approval of the Land Use Authority. Therefore, an amended plat shall be required.

2. Parcels not meeting current zoning as to area and/or frontage/width requirements, containing a single family dwelling which:
 - A. Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and
 - B. Are able to obtain the additional area and frontage/width which would bring the lot into compliance with the area and frontage/width requirements for the zone in which they were created at the time they were created; and
 - C. Complied with all other County Ordinances when built;

May submit an application for subdivision approval provided they meet all other requirements of the Subdivision and Zoning Ordinances.

3. Parcels not meeting current zoning as to area and/or frontage/width requirements which:
 - A. Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and
 - B. Met area and frontage/width requirements for the zone in which they were created at the time they were created;

May submit an application for subdivision approval provided they meet all other requirements of the Subdivision and Zoning Ordinances.

4. Lots/parcels, which are subject to sections 1, 2, or 3 above, and have boundary descriptions that fall within a roadway, shall be allowed to develop with the lot/parcel area that remains after dedicating land for the roadway, as required by the Weber County Zoning and Subdivision Ordinance.

5. Parcels that have been combined by the Weber County Recorder's Office for tax purposes shall be allowed to separate one or more of the combined parcels on an approved and recorded form provided:

A. The parcels that are being separated were originally created prior to July 1992 changes to the Utah Code, and Subdivision Law; and

B. The properties as configured prior to the combination met area and frontage/width requirements for the zone in which they were created, or were considered nonconforming parcels.

C. The combination was done by the current owner or same owner acting as trustee, and was done by a quit claim, combination form, or other instrument, which states the consolidation of parcels is for tax purposes; and

D. No new lots are being created; and

E. The separation of parcels results in a configuration consistent with the original parcels and conforms to the ordinance that was in place prior to the recording of the combination form.

F. The separation of combined parcels authorized under this subsection does not authorize a change in the configuration of an approved and recorded subdivision or lots within such subdivision. A subdivision plat cannot be changed unless an amended subdivision plat is prepared and recorded in accordance with Utah Code and Weber County Subdivision Ordinance.

6. A subdivision which has been approved and recorded prior to a change in zoning requiring larger lots, may adjust the lot boundaries within the subdivision subject to:

A. No lot within the subdivision shall be smaller than the original zoning requirement allowed at the time the subdivision was created.

B. The lot/frontage width is not reduced below existing zoning requirements.

C. No new lots or parcels are created.

D. An amended subdivision plat is required.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and or action on a request for Design Review approval of the Eden Center.
Agenda Date:	Tuesday, October 25, 2011
Applicant:	Tyler Nielson, Agent, Gardner Engineering; Wop Wom LLC, Owner
File Number:	DR 2010-09

Property Information

Approximate Address:	2612 N Hwy 162
Project Area:	0.89 acres
Zoning:	Commercial Valley-2 (CV-2)
Existing Land Use:	Vacant Commercial
Proposed Land Use:	Commercial Center
Parcel ID:	22-154-0003
Township, Range, Section:	T7N R1E Section 34 NW1/4

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	SW

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 18B (CV-2 Zone)
- Weber County Zoning Ordinance Chapter 18C (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Zoning Ordinance Chapter 24 (Parking)
- Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs)
- Weber County Zoning Ordinance Chapter 36 (Design Review)
- Weber County Zoning Ordinance Chapter 39 (Ogden Valley Lighting)

Background

The applicant is requesting approval of a site plan for the Eden Center on property located at 2612 North Highway 162 in Eden. This 0.89 acre property is located in the Commercial Valley – 2 (CV-2) zone, on lot 3 of the Little Bear Subdivision.

The commercial site plan consists of eight separate buildings and on open air gazebo. The three larger main buildings are 800 square feet and the smaller five building units are 480 square feet. These independent commercial units will surround a common plaza area which includes the 256 square foot gazebo. The buildings will be a cluster of small cabins with larger front and side porches and boardwalks, and the exterior of the buildings will be wood log siding. All materials including window trim, roofing, and finishes have not been listed or shown on the site plan. The architectural style, colors, and materials appear to be in conformance with Chapter 18C, but without details shown of the building or a list of materials there is not a way to know for certain. Some clarification is needed as the site plan does not show the porch and boardwalk areas and how they work with the proposed sidewalks.

- **Parking/Access:** Little Bear Subdivision provided a 40 foot wide private access right of way for the three lots in the subdivision. This site has proposed four parking areas consisting of 25 total parking spaces. 7 parking spaces will be placed in the interior of the lot, while two parking areas are located on the private right of way (7 spaces and 5 spaces). 6 street side spaces are shown on Highway 162. Commercial uses will be limited by the number of parking spaces provided for the development.

This parking arrangement does not meet the requirements of chapter 24-6-1 which states "Parking Space Location. Parking space ... shall be on the same lot with the main building..." The Engineer Review letter states:

The parking in the right of way looks like an issue for future road widening. There will need to be an agreement that any improvements in the right of way will need to be removed at the owner's expense at the time of the road improvements.

Highway 162 is proposed within the General Plan to be an 80 foot wide collector roadway, Widening and increased traffic speeds are expected for the area, so angled street parking at this location may create a public safety concern. Additional roadway width is proposed for a deceleration lane.

"A ten foot by twenty-five foot loading space with fourteen feet height clearance" is required. (Chapter 24-7) The loading area shown on the site plan is not dimensioned appropriately to determine compliance with this ordinance.

- **Lighting:** The site plan shows three types of lights including a Street Light Pole, a decorative light, and a bollard light. Some clarification as to the quantity of the lights and location will need to be made as it is unclear which light will be used in some locations. The decorative and bollard light designs comply with chapter 39 Ogden Valley Lighting. The street lights do not show sufficient shielding and additional information is required.
- **Drainage and Easements:** It should be noted that a larger detention easement area for the three lots of the Little Bear Subdivision is proposed on lot 3. The site plan shows structures (units 1 and 2) within this area and shows storm water retention elsewhere within the landscaping. Is this area sufficient for this development? How will the other lots retain their storm water? This easement must be vacated from the subdivision plat and a new amended subdivision plat would need to be approved showing the new detention area. Also, unit 7 has been proposed to be built within a public utility easement. This issue needs to be resolved.
- **Setbacks:** The proposed arrangement of buildings on this site does not meet the minimum front setbacks for the CV-2 zone. The required setback is 20 feet, while the buildings are proposed at 13.78 feet and 13.98 feet. A complete street design with reduced setbacks was not submitted with the application.
- **Landscaping:** The landscape plan is attached as exhibit C (sheet 4 of 4). Landscaping covers 53.7% of the project area and meets the requirements of Chapter 18C. 10.6% of the landscaped area will be turf grass. 25 trees and multiple shrubs surround each of the building site pads. However as the buildings' mechanical equipment are not shown with the proposal there is not a way of ensuring that they are screened adequately from the street view. This is something that must be addressed.
- **Signs:** A signage plan for the center has not been submitted.
- **Water and Wastewater:** The Weber Morgan Health Department has not completed their review of this project yet. It is anticipated that, as with past commercial developments, additional improvements to the septic system would be needed, as the existing septic system was put in with the former home that was on the property. Is the property large enough to have all of these structures, a drain field, and a replacement drain field? These are issues that require additional work. A letter from Eden Water Works to provide culinary water for the site is also required.
- **Building Inspections and Weber Fire District:** The Weber County Building Inspection Division still will need to review all building plans for building permits. The Weber Fire District requires that the one proposed fire hydrant be installed with the water line extensions.
- **Condominium:** The owner has indicated that they would like to further subdivide the area once the 8 cabin sites are built. This would complicate the septic system issue as a new sewer company would have to be formed. This cannot be accomplished until service is available or the County becomes the body politic.

Summary of Planning Commission Considerations

- Is the project layout and building design consistent with applicable Weber County Ordinances? Currently as proposed the site plan does not meet the current ordinances. As indicated above, there are several items that need work to become compliant.
- Before making many of the changes the applicant would like the Planning Commission's feedback on the overall design as well as individual items to be worked on. Staff has pointed out the following questions that should be considered:

- Design:
 - Do the cabins meet the architectural standards intended for the Ogden Valley?
 - Does this cluster of 8 cabins fit in with the surrounding developments in size and scale?
 - Is this parcel large enough to handle this type of multiple unit development?
- Parking:
 - Are the 25 spaces sufficient for the needs of 8 units? What commercial uses are proposed?
 - Should off-site parking be allowed?
- Setbacks:
 - The front setback can be reduced if a complete street plan has been approved. Is this segment of Highway 162 an area where a complete street plan should occur?

Options for the Planning Commission:

- Approve; the Planning Commission could move to approve this site plan subject to staff and other agency comments and recommendations. However there are multiple issues where the proposal is not compliant to the zoning requirements.
- Deny; the Planning Commission could move to deny the site plan. It is suggested that if denied, the motion should detail the reasons why it is denied.
- Table; the Planning Commission could move to table the site plan and give the applicant input on items that they specifically would like to see addressed.

Conformance to the General Plan

This site plan conforms to the General Plan by meeting the outline of permitted land uses of the zone in which it is located. This site plan does not meet all of the applicable requirements of the Zoning Ordinance.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Health Department
- Construction must follow the approved site plan exactly
- Staff will inspect the site to ensure compliance to approvals prior to the issuance of occupancy permits

Staff Recommendation

Staff recommends tabling the site plan for the Eden Center and recommending that it return for approval when the project is in compliance with the applicable County Ordinances.

Exhibits

- A. Applicant’s Narrative describing the Eden Center
- B. Rendering of the proposed buildings
- C. Site Plan Sheets

Map

Adjacent Land Use

North: Vacant/ Commercial
East: Vacant/ Commercial

South: Commercial
West: Highway 162/ Commercial

Image 1: Approximate location of the Eden Center located at 2612 N Highway 162



Image 2: Architectural profile of the Cabins



Front Elevation

Map

Adjacent Land Use

North: Vacant/ Commercial
East: Vacant/ Commercial

South: Commercial
West: Highway 162/ Commercial

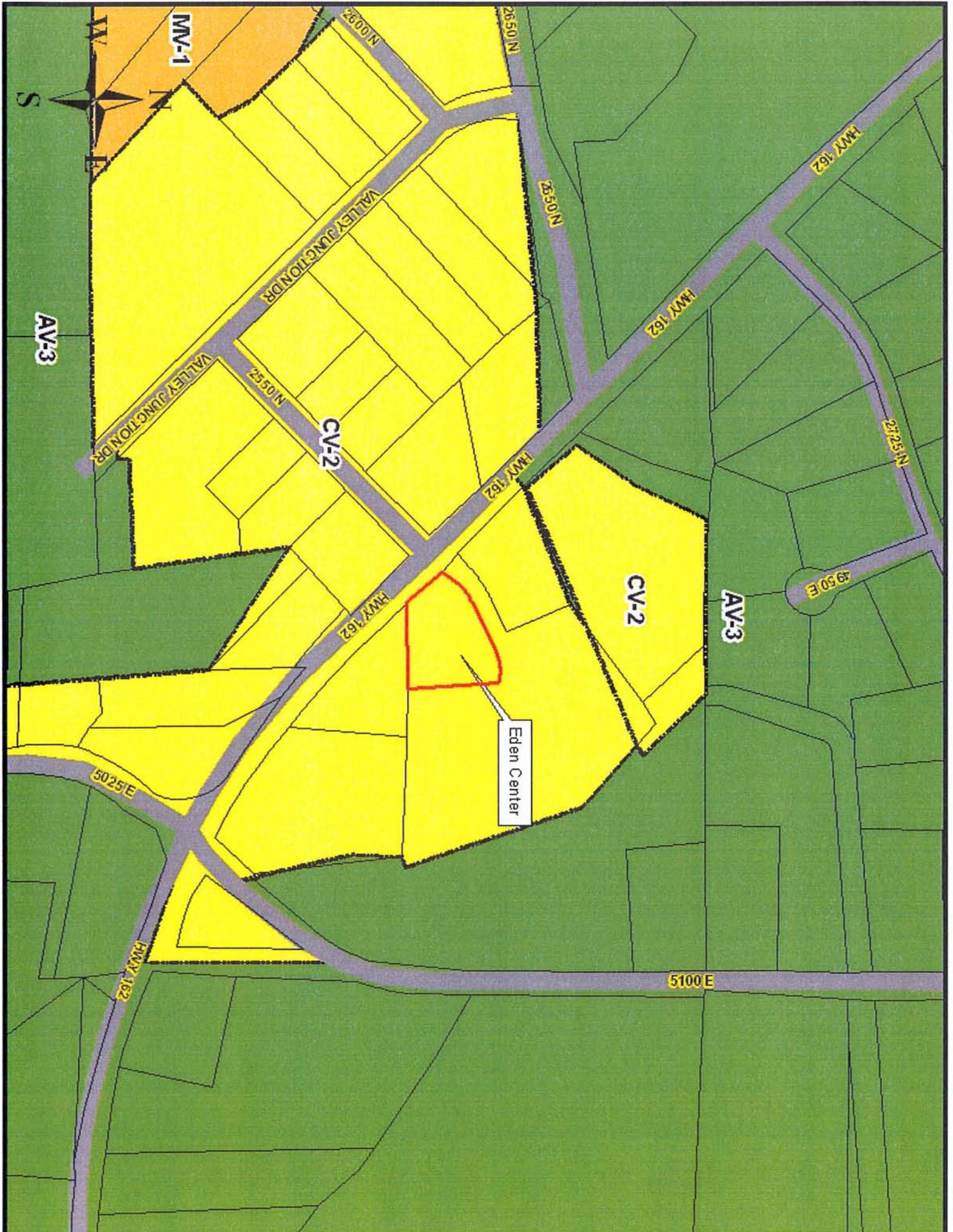
Image 1: Approximate location of the Eden Center located at 2612 N Highway 162



Image 2: Architectural profile of the Cabins



Front Elevation



Weber County Design Review Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use) DR2011-13
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Property Owner Contact Information

Name of Property Owner(s) Wog Wom LLC		Mailing Address of Property Owner(s) 212 Merchant St #330 Honolulu, HI 96813	
Phone 808-524-3551	Fax 808-524-8803		
Email Address eric@kaulanacorp.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Tyler Nielson		Mailing Address of Authorized Person 5875 S. Adams Ave. Ogden, UT 84405	
Phone 476-0202	Fax 476-0066		
Email Address tyler@gardnerengineering.net		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name EDEN CENTER	Current Zoning
Approximate Address 2612 N. Highway 162 Eden, UT. 84310	Land Serial Number(s)

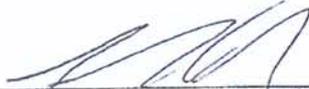
Proposed Use **Commercial Retail/Restaurant/Services Center**

Project Narrative

Eden Center ~~is~~ consists of 8 free standing log cabin structures with basements for storage. The structures are centered around a common plaza and open air gazebo with interconnecting walkways and grassy areas. Parking is along the side and in the rear of the property. There is a short term parking / drop off zone along Highway 162 inside of the new deceleration lane. The developer intends to sell the 8 cabins as commercial condominiums. ~~Roofing is made of steel that will Rust.~~
on all log cabins and gazebo.

Property Owner Affidavit

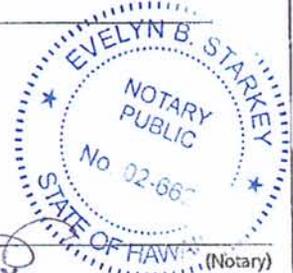
I (We), Wop Wom LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

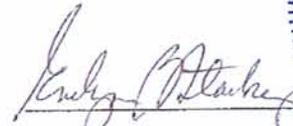


(Property Owner) Eric Smith
Managing Member

(Property Owner)

Subscribed and sworn to me this 20 day of Sept, 20 11

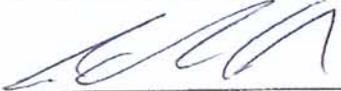




EVELYN B. STARKEY
MY COMMISSION EXPIRES: 12/29/2014
(Notary)

Authorized Representative Affidavit

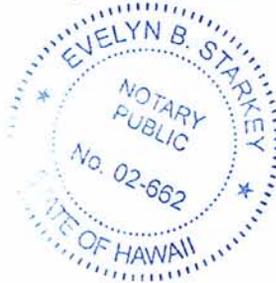
I (We), Wop Wom LLC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Gardner Engineering, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

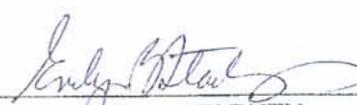


(Property Owner) Eric Smith
Managing Member

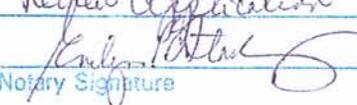
(Property Owner)

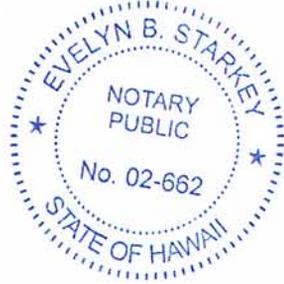
Dated this 20 day of Sept, 20 11, personally appeared before me Eric K. Smith, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

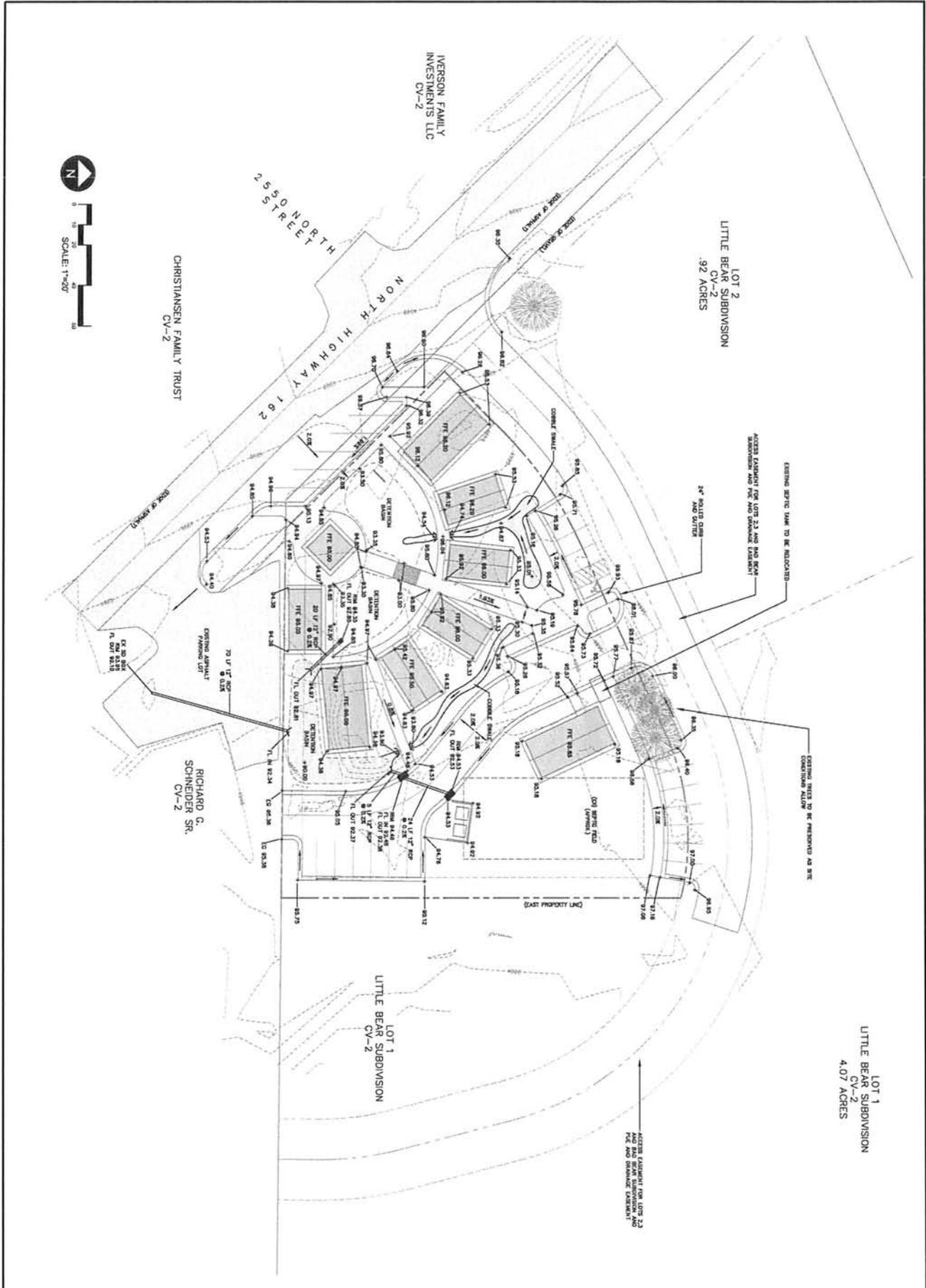




EVELYN B. STARKEY
MY COMMISSION EXPIRES: 12/29/2014
(Notary)

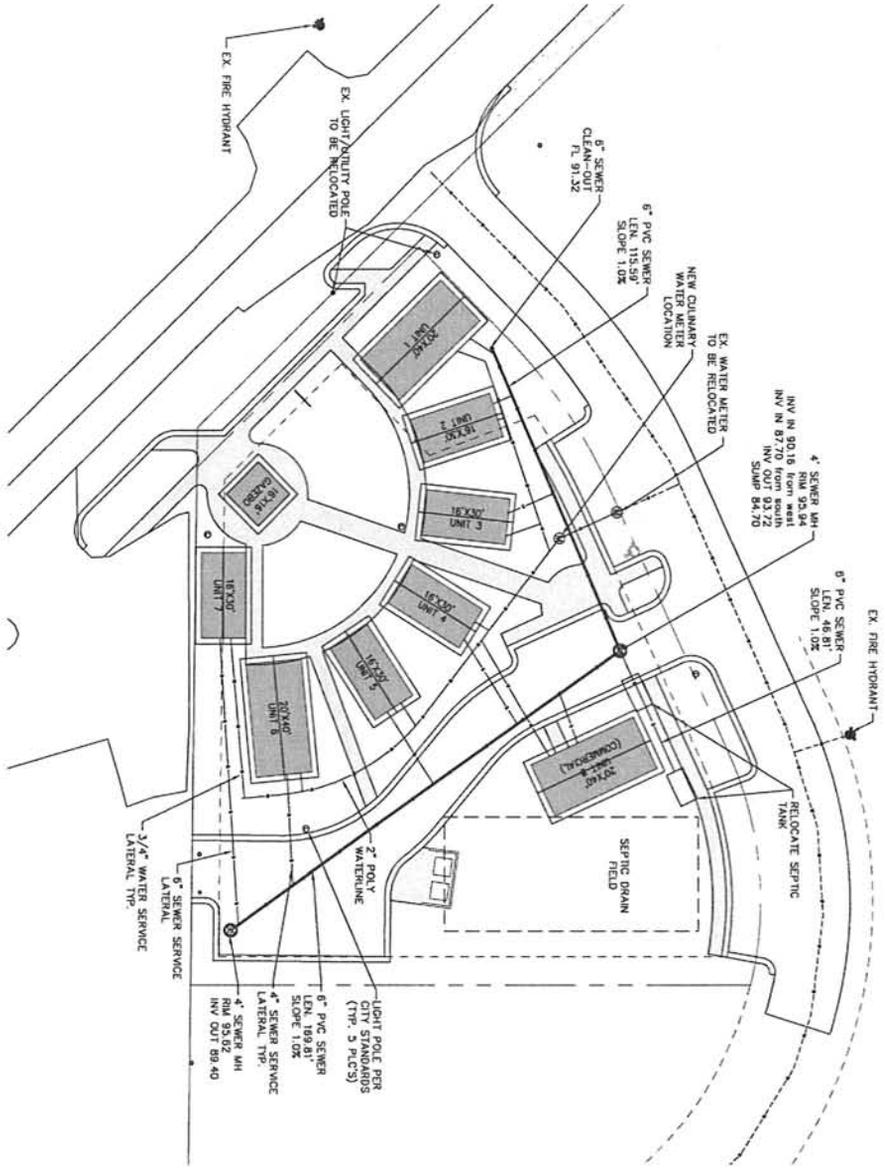
Doc. Date: 9/20/11 # Pages 2
EVELYN B. STARKEY First Contact
Doc. Description: Weber County Design Review Application
 9/20/11
Notary Signature Date





<p>2 4</p>	<p>Gardner Engineering</p> <p>PLANNING CIVIL ENGINEERING LAND SURVEYING GEOTECHNICAL ENGINEERING</p> <p>8875 South Arlene Ave., Parkview, Suite 200 • Ogden, UT 84202 Phone (801) 476-0202 • Fax (801) 476-0208</p>	<p>WOP WOM LLC EDEN CENTER GRADING + DRAINAGE PLAN EDEN CITY, WEBER COUNTY, UTAH</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">DATE</th> <th style="width: 85%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table> <p>DWG: _____</p>	DATE	DESCRIPTION									<p>SCALE: 1" = 20'</p> <p>DATE: SEPTEMBER 2011</p> <p>DESIGN: J.L.</p> <p>DRAWN: J.L.</p> <p>CHECKED: _____</p>
DATE	DESCRIPTION													

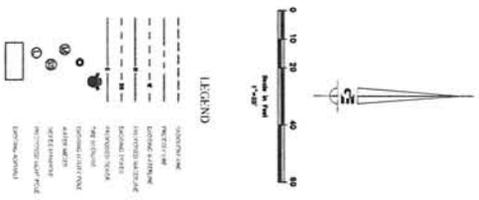
UTILITY PLAN
EDEN CENTER
 PART OF THE NORTHWEST 1/4 OF SECTION
 34 T7N, R1E, S1B & M, U.S. SURVEY
 EDEN CITY, WEBER COUNTY, UTAH
 SEPTEMBER 2011



NOTE: ALL CONSTRUCTION TO CONFORM TO EDEN CITY STANDARDS AND SPECIFICATIONS.

- SANITARIAN SEWER NOTES:**
1. THE LOCATION AND DEPTH OF ALL SANITARIAN SEWER LINES SHALL BE AS SHOWN ON THESE PLANS.
 2. ALL EXISTING SANITARIAN SEWER LINES SHALL BE IN CONFORMANCE WITH UTAH CITY STANDARDS AND SPECIFICATIONS.
 3. ALL EXISTING SANITARIAN SEWER LINES SHALL BE 30% ST. POLY W/ 10% PVC W/ 10% SLOPE 1.0%.
 4. CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL DESIGN SPECIFICATIONS AND APPROVED ENGINEERING NOTES.

- CULINARY WATER NOTES:**
1. ALL CULINARY WATER LATERALS SHALL CONFORM TO UTAH CITY STANDARDS AND SPECIFICATIONS.
 2. ALL CULINARY WATER LATERALS SHALL BE 3/4\"/>
 3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL DESIGN SPECIFICATIONS AND APPROVED ENGINEERING NOTES.
 4. ALL WATER MAIN, VALVES, FIRE PREVENTION SERVICES AND APPURTENANCES SHALL BE INSTALLED PER UTAH CITY STANDARDS AND SPECIFICATIONS.



DEVELOPER:
 WOP WOM LLC
 2122 NORTH 2000 EAST
 PROVO, UTAH 84601
 FAX: (801) 524-8223

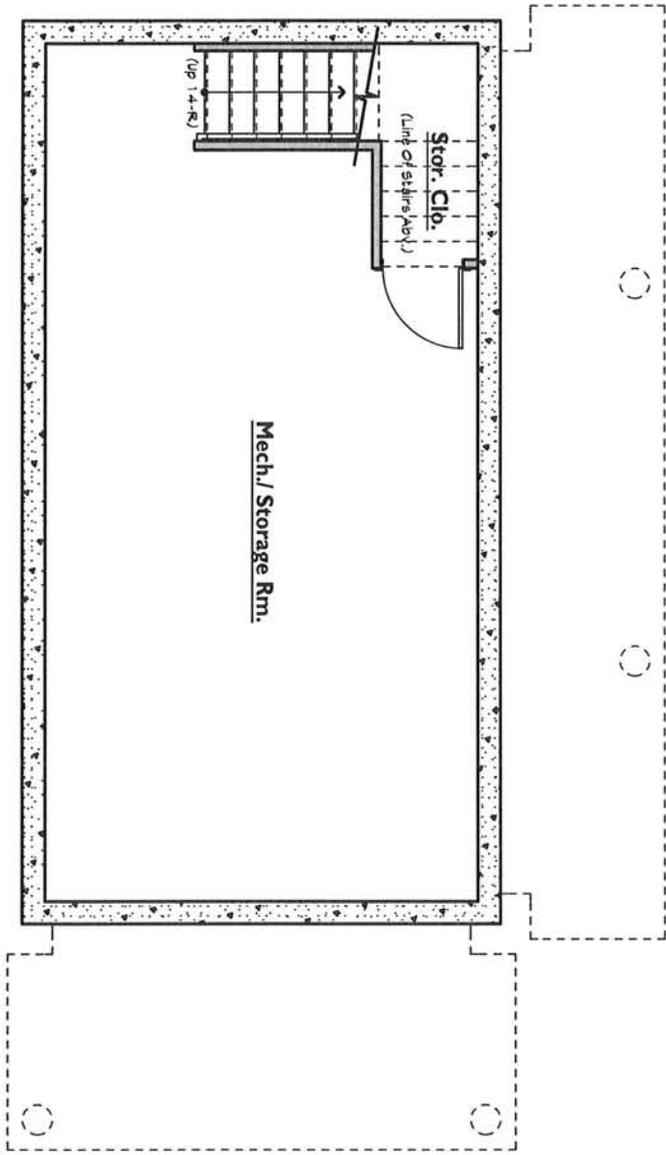
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Gardner Engineering
 PLANNING
 CIVIL ENGINEERING
 SURVEYING
 ALTERNATIVE ENERGY
 1875 South Adams Ave. Provo, Utah 84601 • Ogden, UT 84403
 Phone (801) 474-0202 • Fax (801) 476-0686

WOP WOM LLC
EDEN CENTER
UTILITY PLAN
 EDEN CITY, WEBER COUNTY, UTAH

REVISIONS		SCALE: 1" = 20'
DATE	DESCRIPTION	DATE: SEPTEMBER 2011
		DESIGN: TWK/SCS
		DRAWN: SCS
		CHECKED: TWK
DWG. NO. PUP 1000P.01.UTP		

1
 Basement Plan
 SCALE: 1/4" = 1'-0"



SHEET:
A-0
 DATE: 9/27/11

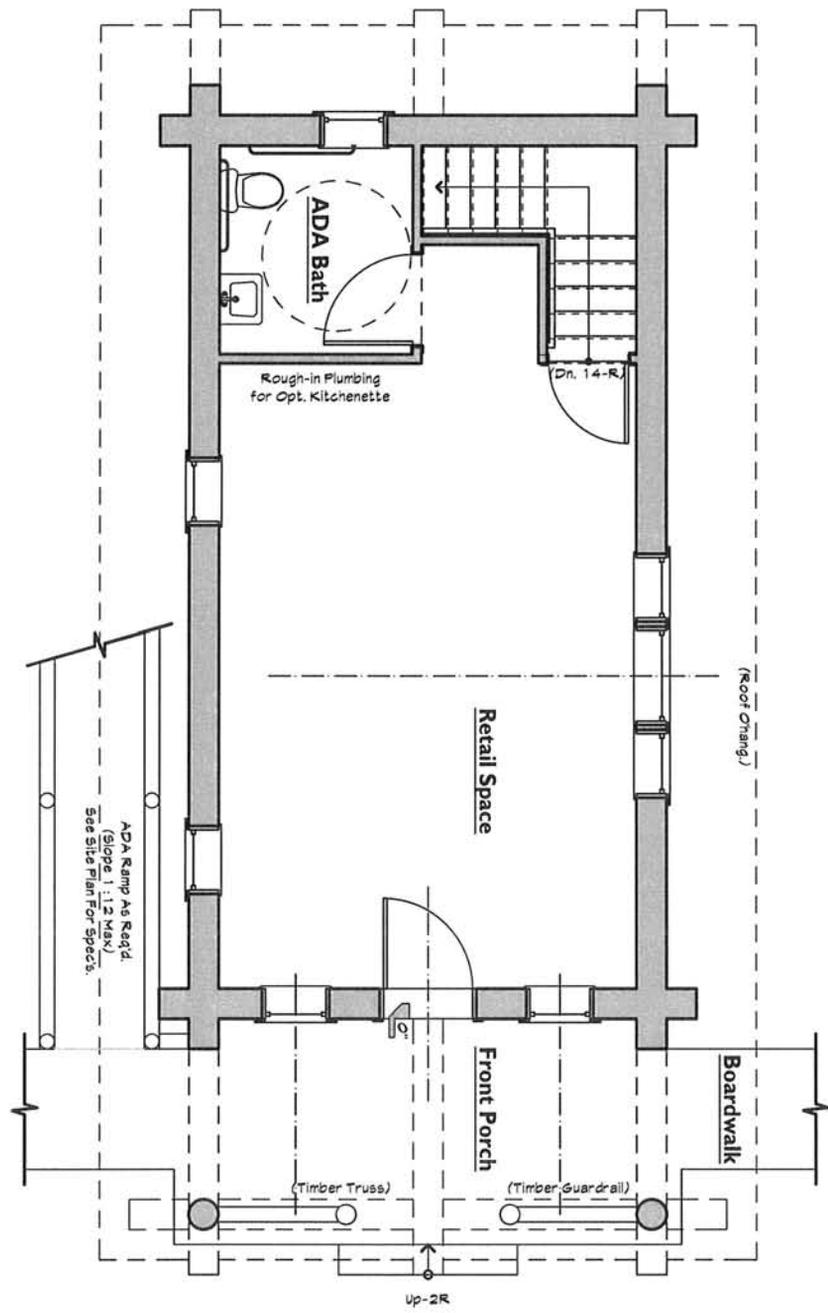
Eden Center Project
 A New Development for Eric Smith
 #Client Street
 Eden, UT 84310

EKMAN DESIGN STUDIO
 ARCHITECTURE
 STUDIO: 303.730.2757 FAX: 303.730.2774 WEB: www.ekmandesign.com
 550 EAST 8TH AVENUE DENVER, CO 80203

1

First Floor Plan

SCALE: 1/4" = 1'-0"



DATE: 9/27/11

A-1

SHEET:

Eden Center Project

A New Development for Eric Smith
 #Client Street
 Eden, UT 84310

EKMAN DESIGN STUDIO

ARCHITECTURE

STUDIO: 303.730.2757 FAX: 303.730.2774 WEB: www.ekmandesign.com
 550 EAST 8TH AVENUE DENVER, CO 80203

Front Elevation



DATE: 9/27/11
A-2
SHEET:

Eden Center Project
A New Development for Eric Smith
#Client Street
Eden, UT 84310

EKMAN DESIGN STUDIO
ARCHITECTURE
STUDIO: 303.730.2757 FAX: 303.730.2774 WEB: www.ekmandesign.com
550 EAST 8TH AVENUE DENVER, CO 80203

Side Elevation



DATE: 9/27/11
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SHEET:

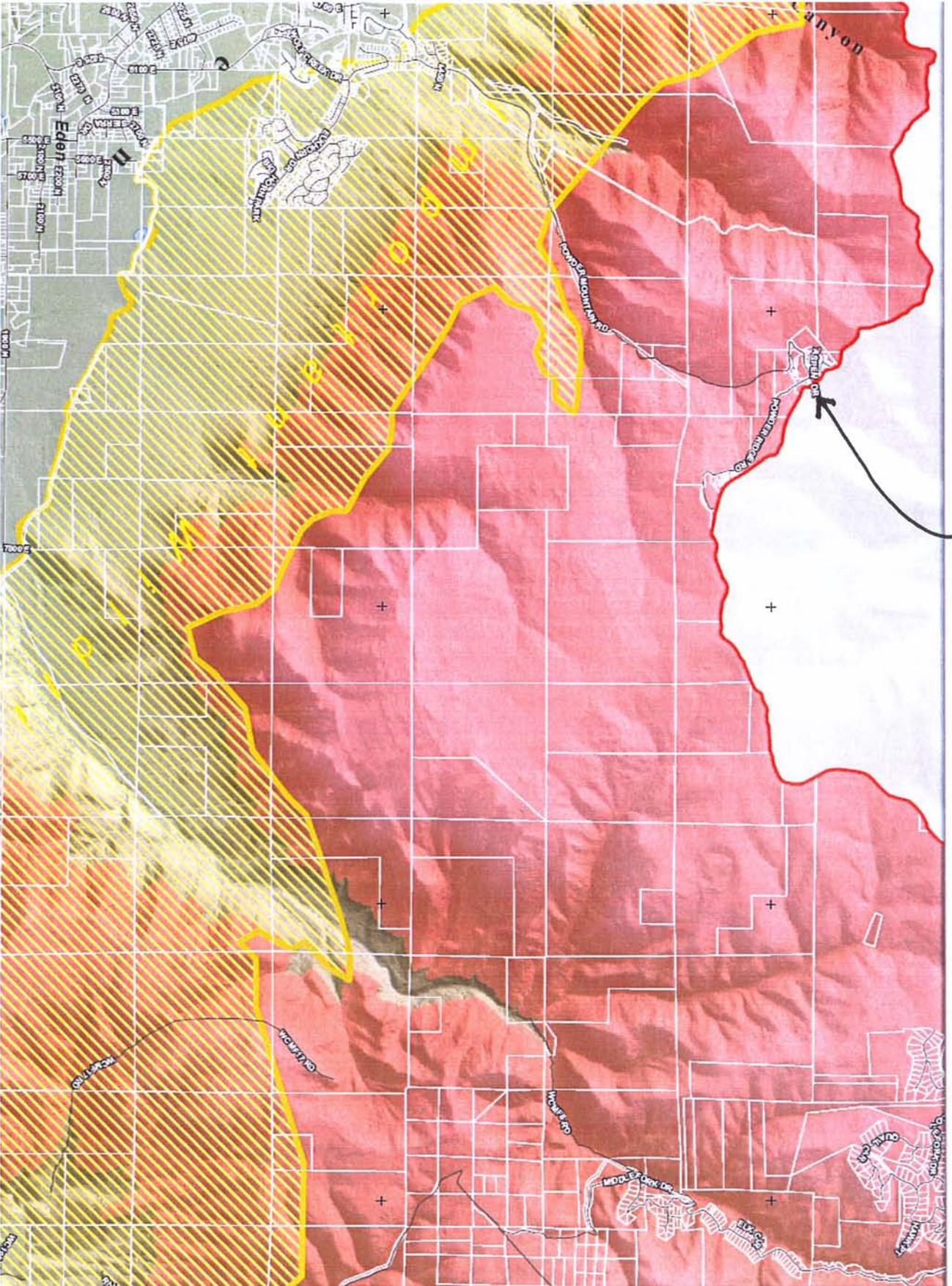
Eden Center Project

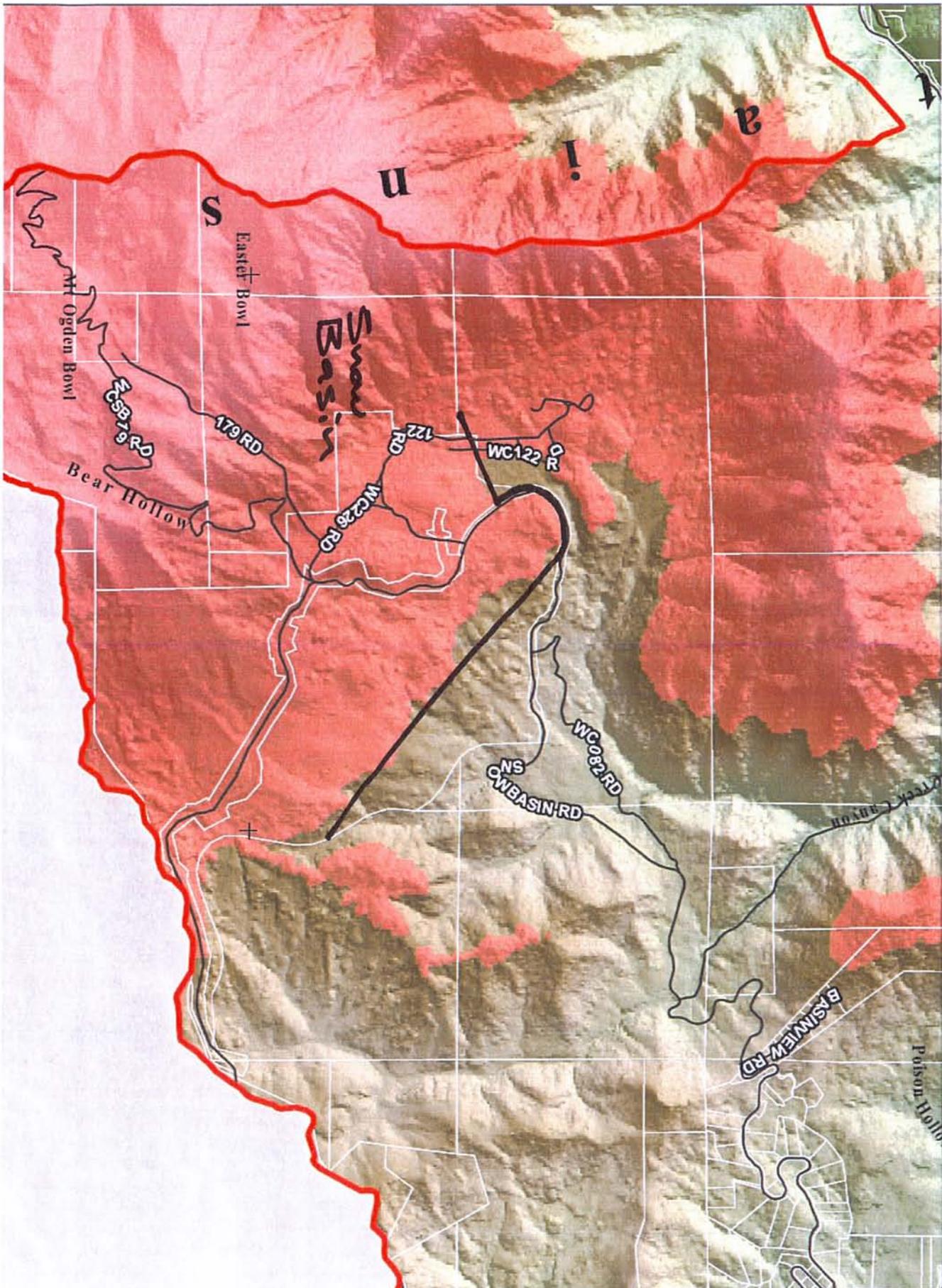
A New Development for Eric Smith
#Client Street
Eden, UT 84310

EKMAN DESIGN STUDIO ARCHITECTURE

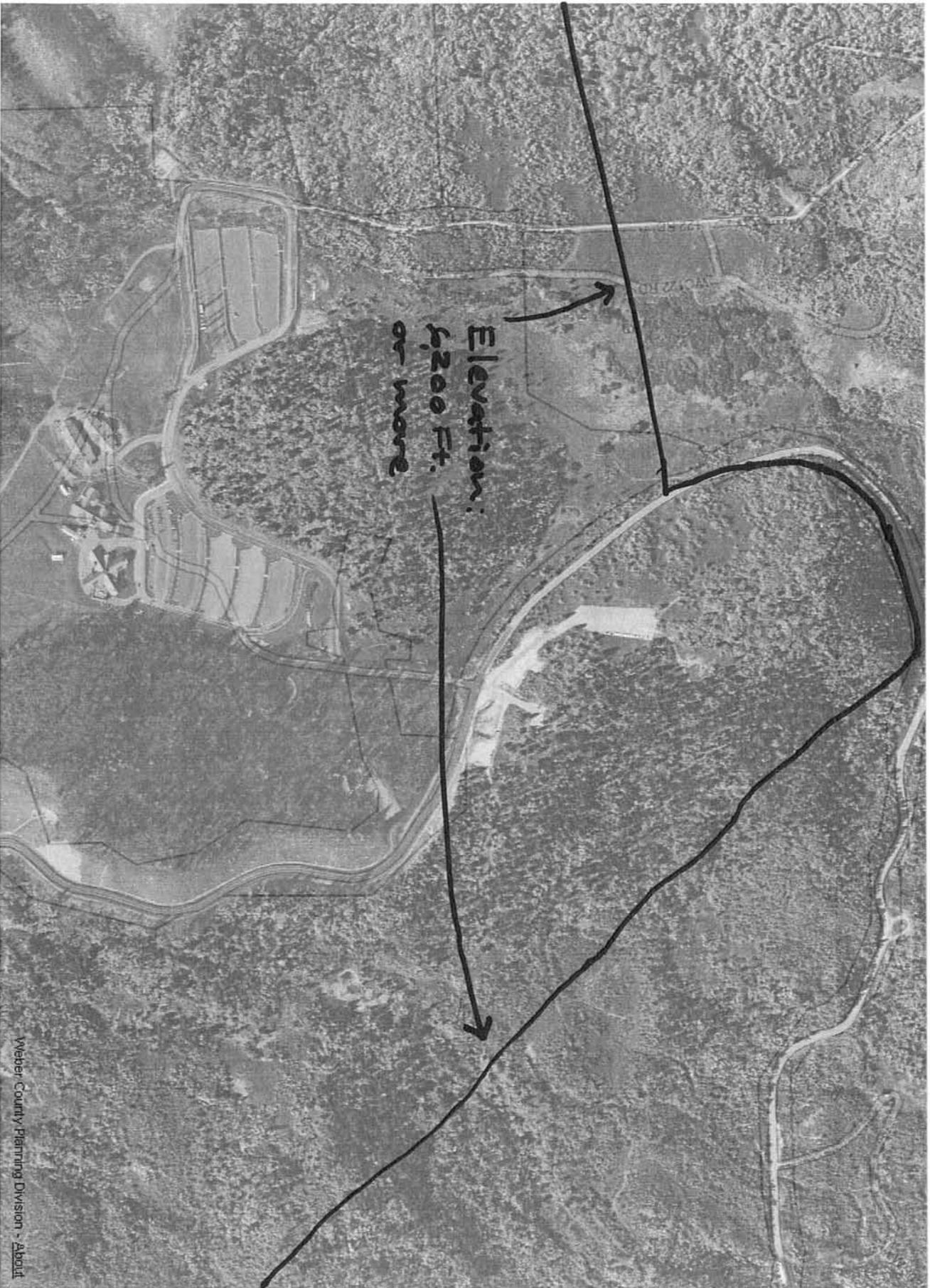
STUDIO: 303.730.2757 FAX: 303.730.2774 WEB: www.ekmandesign.com
550 EAST 8TH AVENUE DENVER, CO 80203

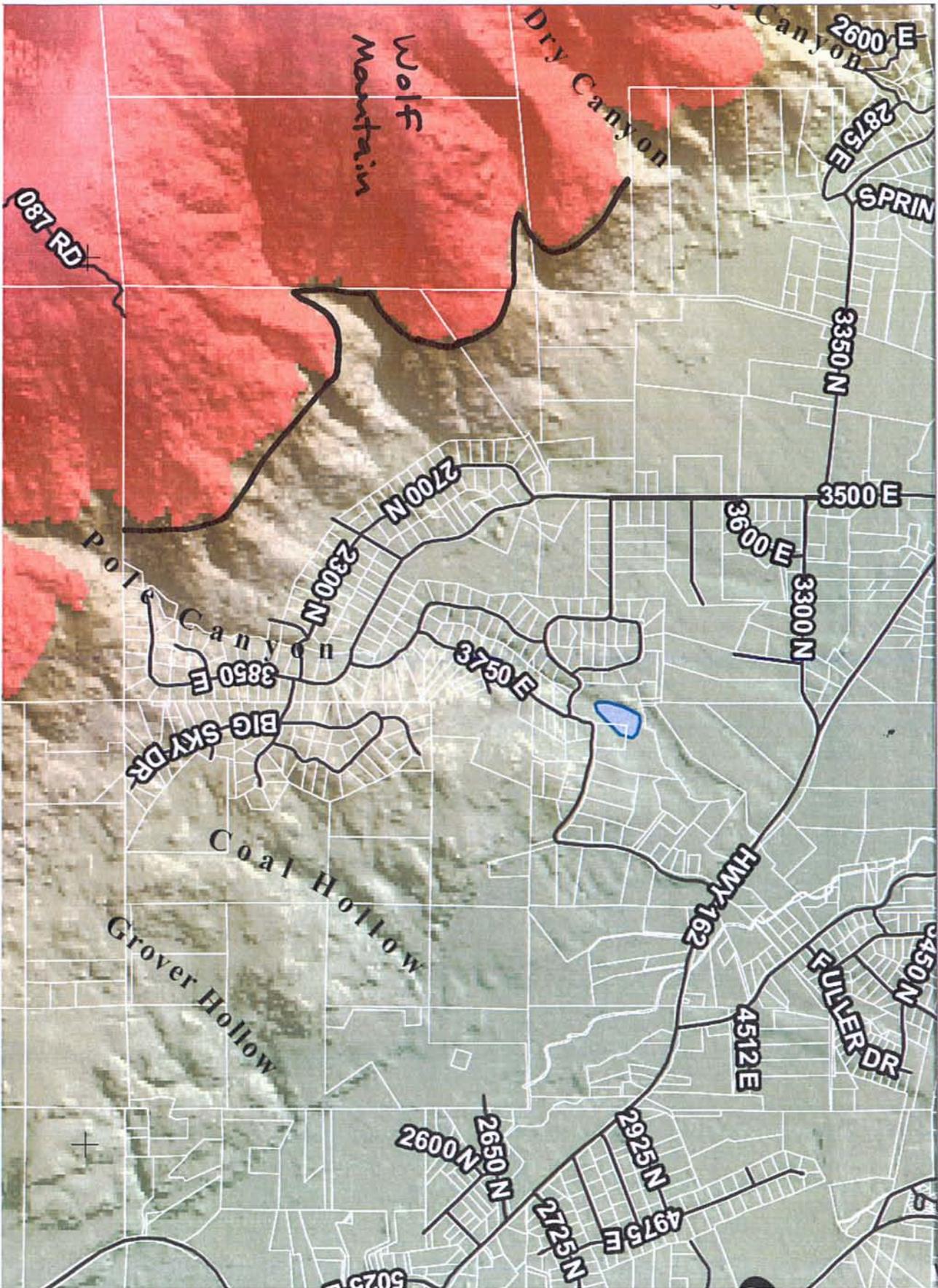
Poudre Mountain



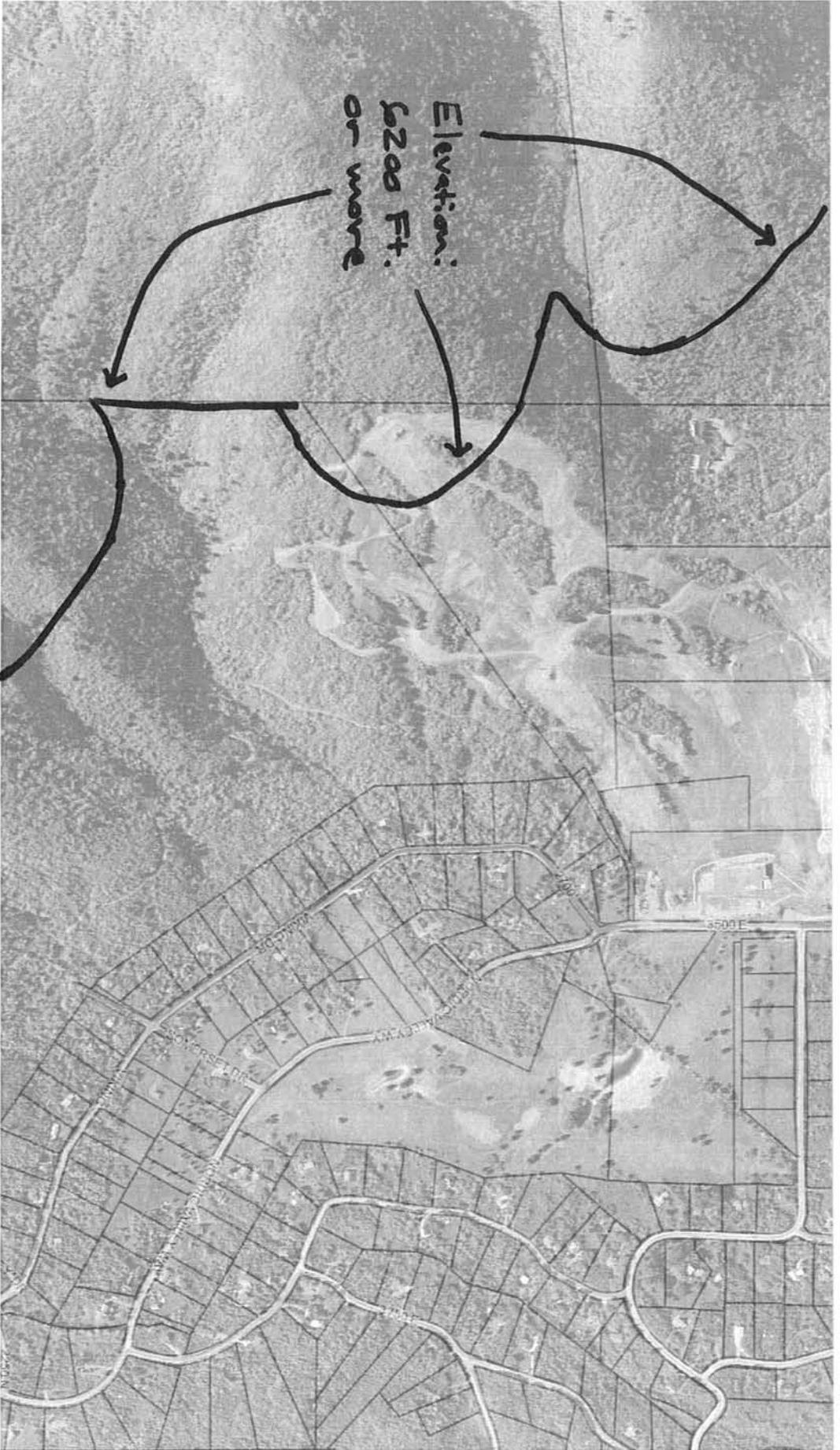


Snow Basin

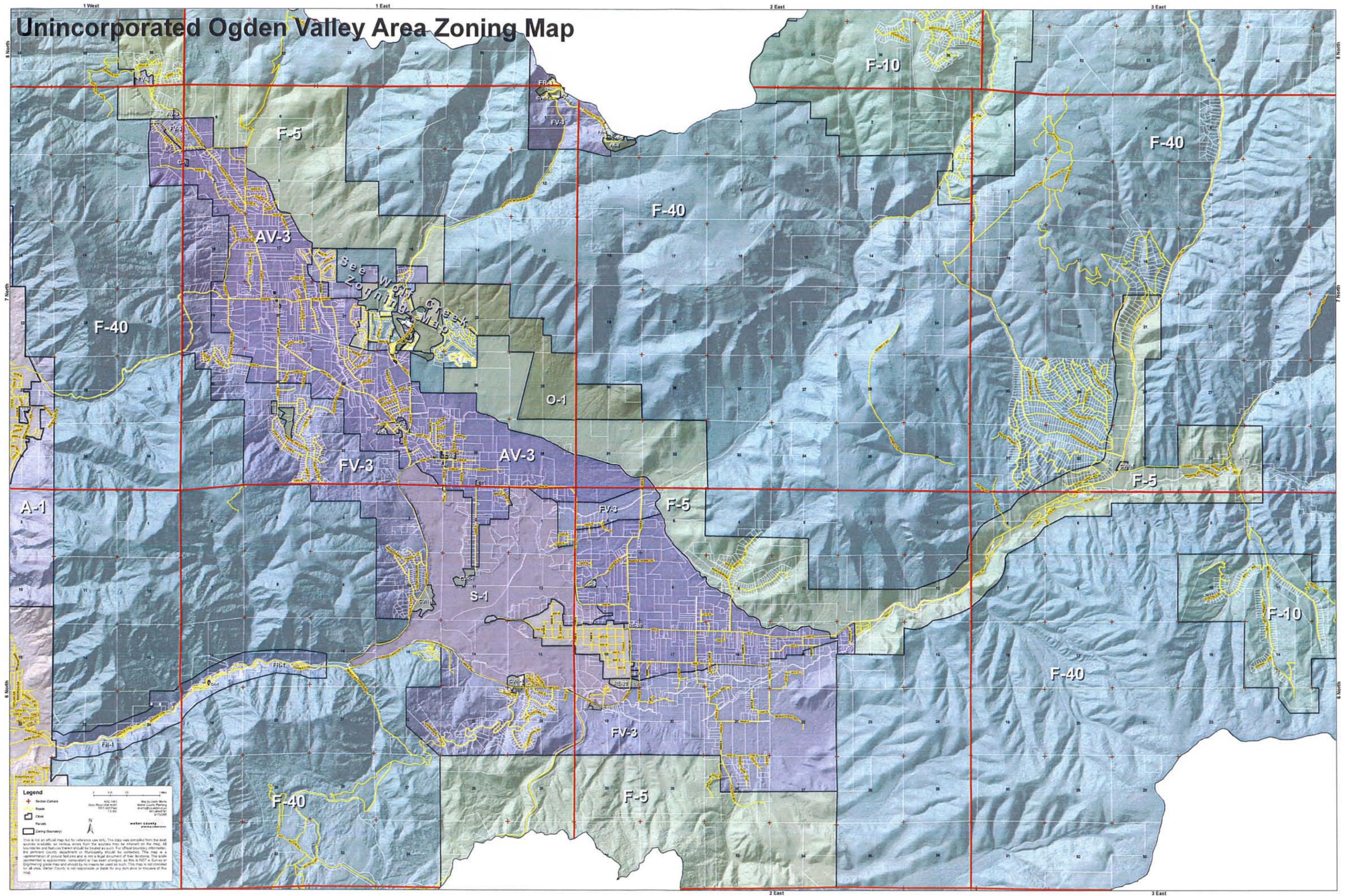




Wolf Mountain



Unincorporated Ogden Valley Area Zoning Map



Legend

- Section Corners
- Roads
- Cities
- Parcels
- Zoning Boundary

Scale: 0 0.25 0.5 1 Miles

Water County Planning: 400 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 8000 8500 9000 9500 10000

Water County: 10000 15000 20000 25000 30000 35000 40000 45000 50000 55000 60000 65000 70000 75000 80000 85000 90000 95000 100000

Map by: John White
Water County Planning
400 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 8000 8500 9000 9500 10000

Map by: John White
Water County Planning
400 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 8000 8500 9000 9500 10000

This is not an official map, but for reference use only. The data was compiled from the best sources available. All errors from the sources may be shown on the map. All boundaries and features shown should be double checked. For official boundary information, the pertinent County Department or Municipality should be contacted. This map is a representation of ground features and is not a legal document of title. Boundaries, the scale represented is approximate, non-warranted or has been changed, so this is NOT a Survey or Engineering grade map and should be used as such. This map is not intended for all uses. Water County is not responsible or liable for any damages or injuries of this map.



Weber County Planning Division

October 25, 2011

To: Ogden Valley Planning Commission

From: Jim Gentry, Assistant Planning Director

Subject: Weber County subdivision Ordinance Chapter 4 (Subdivision Improvements Required) Amendments

Consistent with the Planning Division work program staff is proposing several amendments to the Weber County Subdivision Ordinance Chapter 4 (Subdivision Improvements Required). This chapter list improvements (such as water and waste water) that are required as part of a subdivision.

Meetings have been held with the Fire District, Engineering, Environmental Health, Surveyor/Recorder, and the Building Inspection Division. The purpose of these meetings was to update the required subdivision improvements with the current requirements of other county departments and state codes.

The proposed changes to Chapter 4 of the subdivision ordinance are as follows:

26-4-1 Owner of Subdivision Responsible for Costs: The language was updated and made clearer.

26-4-2 Improvements Required: Some of the changes to this section is to put the responsibility for oversight back to the regulating departments such water, waste water, and storm water. The requirement for lots to have two acres and 300 ft. of frontage in subdivision of ten lots but less than 20 lots was deleted since zoning in the Ogden Valley requires three acres and the Environmental Health Division has a requirement for well protection easement that can require greater frontage than zoning. The requirement for curb, gutter, and sidewalk as listed will be changed when the deferred requirements are modified by the County Commission. Other sections of 26-4-2 the language were updated to make the requirements clearer.

26-4-3 Guarantee of Improvements: The language was made clearer.

26-4-4 Inspection of Improvements: The language was made clearer.

Please review proposed amendments, and come prepared to discuss this proposal and any other changes that you feel need to be made.

CHAPTER 4

SUBDIVISION IMPROVEMENTS REQUIRED

August 10, 2011

(Amd. Ord #11-2005, 8/16/05; #95-31, 11/11/95; 2009-32, 12/22/09)

- 26-4-1 Owner of Subdivision Responsible for Costs
- 26-4-2 Improvements Required
- 26-4-3 Guarantee of Improvements
- 26-4-4 Inspection of Improvements

26-4-1 Owner of Subdivision Responsible for Costs.

The owner of any land to be platted as a subdivision shall at his own expense install or provide an escrow for the following improvements prior to recording the final plat or except as provided in Section 26-4-2(b) below, according to the specifications and standards contained in Exhibit A attached to these regulations and titled the "Public Work Standards and Technical Specifications" adopted January 26, 1982 and under the inspection of the County Engineer, except for Septic tanks which must shall be installed according to the specifications and under the inspection of the County Health Officer.
(Amd. Ord. #3-82, 1/26/82)

I. Water Supply.

- a. Public System: Where an approved public water supply is reasonably accessible or procurable, the subdivider applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The subdivider shall furnish to the County Health Officer plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Water lines and fire hydrants shall be operational before building permits are issued for any structures. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber Fire District. The County Health Officer or State of Utah Department of Environmental Quality Division of Drinking Water shall determine the adequacy of the existing water system to provide culinary water.

Capacity Assessment letter is required prior to final approval from the Planning Commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission. (Amd. Ord. #2-73, 2/15/73; #2002-11, 6/18/02)

- b. New System: Where an approved public water supply or system is not reasonably accessible nor procurable, the subdivider applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the State Board of Health Utah Division of Drinking Water and/or the Weber Morgan Health Department, rules and regulations relating to public water supplies and with the approval of the County Health Officer, provided that the Planning Commission shall permit the water supply to be provided by means of individual wells

~~if in its determination, the subdivision is not an extension or continuation of an existing or approved subdivision of related property and the subdivision is in a location where water supply pollution is not considered to be a significant problem or factor as follows: (Amd. Ord. #6-73, 4/17/73)~~

- ~~1) In subdivisions of ten (10) or more, but less than twenty (20) lots where each lot has a minimum area of two (2) acres and a minimum width of three hundred (300) feet; or (Amd. Ord. #2002-11, 6/18/02)~~
- ~~2) In subdivisions of less than ten (10) lots, evidence shall be submitted to the Planning Commission prior to the final approval of the subdivision that an adequate water supply meeting State Board of Health requirements is available in sufficient quantity to serve the subdivision.~~

(Amd. Ord. #15-71, 12/9/71)

- c. ~~Wells: If individual well permits will be~~ are issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights ~~and the Weber Morgan Health Department~~, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. ~~If well permits cannot be obtained, the lot will no longer be deemed a buildable lot as herein defined.~~ The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:

- 1) that a well permit must be obtained;
- 2) the time it may take to obtain the permit;
- 3) the well must be drilled;
- 4) water quality to be satisfactory; and
- 5) water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained ~~from the Weber County Building Inspector.~~ (Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02)

~~If well permits cannot be obtained, the lot will no longer be deemed a buildable lot as herein defined.~~

- d. ~~In subdivisions where new water systems and reservoirs are to be built, a letter of feasibility shall be required from the State of Utah Department of Environmental Quality Division of Drinking Water for Preliminary Approval. A Construct permit from State of Utah Department of Environmental Quality Division of Drinking Water shall be required prior to final approval by the Planning Commission.~~

(Amd. Ord. #2002-11, 6/18/02)

2. Sewage Disposal.

- a. Where a public sanitary sewer is within three hundred (300) feet from the property line or is close enough in the opinion determination of the County Health Officer and Planning Commission to require a connection, the subdivider applicant shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision Sewer systems shall be approved by the County Health Official, and connections shall comply with the regulations and Public Work Standards of the County, and shall be approved by the County Engineer.

Where the construction of a County trunk sewer trunk line is required to serve the subdivision, the subdivider applicant shall be required to construct such the trunk line in accordance with plans and specifications approved by the County and Sewer Improvement District as part of the normal subdivision improvements. Such The new trunk line shall be designed with sufficient capacity to serve the entire drainage

area as determined by the County Engineer, ~~with~~ The subdivider applicant will be entitled to reimbursement for such the ~~oversize~~ costs through additional sewer connection fee assessments to developing properties within said the drainage area for a period of ten (10) years from the date of acceptance by the County.

(Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02)

- b. Where a public sanitary sewer is not reasonably accessible, the subdivider applicant shall obtain approval from the County Health Officer for individual sewage disposal for each of the lots. ~~Subdividers shall furnish to the County Health Officer a report of percolation tests completed on the property proposed for subdivision in accordance with the Regulations of the Utah State Department of Public Health governing individual sewage disposal systems. Copies of the subdivision plan showing appropriate contours shall accompany the report and showing thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the County. Written approval from the County Health Officer shall be submitted to the Planning Commission Division at the time the subdivision application is submitted before consideration of the final plat.~~

Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality Division of Water Quality, a letter of feasibility is required for Preliminary Approval and a Construct Permit from the State is required before final approval can be granted by the Township Planning Commission.

3. Storm Water.

The County Engineer shall require the subdivider applicant to dispose of storm water, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider applicant to acquire such easements.

When drainage structures such as storm water detention and/or retention facilities are required by the County Engineer, the County, at its option, may require the facility to be dedicated or otherwise transferred to Weber County or its designate. Weber County may also require the developer of the subdivision which the detention and/or retention facility serves, to form a Homeowners Association of all homes ~~proposed~~ in the subdivision with Articles of Incorporation and By-Laws filed with the ~~Utah Secretary of State~~ Lieutenant Governor. Provision shall be made in said Association for the contracting with the County Engineer to do periodic inspections and maintain the drainage facilities. ~~The County Engineer shall approve such inspection schedules.~~ The purpose of the Association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the County Engineer. In such cases, the County shall be granted an easement over the detention/retention facilities to guarantee such facilities will remain and be used as intended for storm water detention purposes.

(Amd. Ord. #3-82, 12/6/82; #2002-11, 6/18/02)

4. Street Grading and Surfacing. All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the Public Work Standards ~~and rules and regulations of the County Engineer.~~

5. Curbs and Gutters. Curbs and gutters shall be installed on existing and proposed streets by the subdivider developers. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and gutter shall be installed by the subdivider developer/property owner in subdivisions along the abutting Utah State Highways, if required by Utah State Department of Transportation.

(Amd. Ord. #19-90, 10/24/90; #11-2005, 8/16/05)

6. Sidewalks. Sidewalks shall be required by the Planning Commission for reasons of safety

and public welfare, and where the proposed subdivision is located within the walking distance as established by the School District. Deferrals for sidewalk will be required for lots in the Ogden Valley. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the County Commission. Approved walking paths may be substituted for sidewalks. (Amd. Ord. #19-90, 10/24/90; #2002-11, 6/18/02)

7. Street Monuments. Permanent street monuments shall be accurately set ~~and established~~ at such points ~~as are necessary to definitely~~ establish all lines of the street. Street Monuments shall be of a type specified ~~and approved~~ by the County Surveyor.
(Amd. Ord. #4-86, 3/10/86; #11-2005, 8/16/05)
8. Street Trees. Street trees shall be planted by the ~~subdivider~~ developer when so required by the Planning Commission and of a variety and location as approved by the Planning Commission.
9. Street Signs. Street signs shall be installed by the ~~subdivider~~ developer at all locations as designated by the County Engineer. ~~Such signs shall be of such a type and of such material as shall be prescribed by the County Engineer.~~ The County Commissioners shall have the option to install such signs and charge such the costs to the ~~subdivider~~ developer.
10. Fencing or piping of Canals, etc. A solid board, chain link, or other non-climbable fence not less than five (5) feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the Planning Commission determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of Canals etc. shall not be required on subdivisions of four (4) or fewer lots, or where canals, are located six-hundred (600) ft. from the homes. ~~The Planning Commission may also recommend to the County Commission that the ditch be piped, with the size of the pipe to be determined by the irrigation company and the County Engineer.~~
(Amd. Ord. #2002-11, 6/18/02)
11. Staking Subdivision Corners. Survey markers shall be placed at all subdivision corners and lot corners ~~so as to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements.~~ This shall be ~~accomplished~~ performed and confirmed by the surveyor's office before the subdivision is recorded.
(Amd. Ord. #2002-11, 6/18/02)
(a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24" in length and visibly marked or tagged with the registered business name or the letters P.L.S. followed by the registration number of the surveyor in charge. Where ground conditions do not permit such monumentation, substitute monuments shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.
(b) If the monument is set by a public officer, it shall be marked with the official title of the office.
12. Peripheral Fencing. The Planning Commission may require ~~appropriate type~~ fencing along the periphery of a subdivision in an agricultural zone ~~so as to provide protection to adjacent farming lands from the adverse affects of residential living and vice versa.~~
(Amd. Ord. #3-82, 1/26/82)
- 13a. Secondary Water. "Secondary Water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed ~~covering real property which is located~~ within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision, the Planning Commission shall, as part of the approval of the subdivision, require the ~~subdivider~~ applicant to furnish adequate secondary water and ~~also to~~ install a secondary water delivery

system to the lots in said ~~the~~ subdivision sufficient to conform to the public works standards of ~~Weber County~~, if such water district or company files or has filed a written statement with the Weber County Planning ~~Commission~~ Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the ~~subdivider~~ applicant, a certified copy of the minutes of the Board of Trustees of such water district or company showing the enactment of such policy must be furnished to the Planning Commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivision being recorded. When subdivisions are within the service area of a secondary water provider company or district, the ~~subdivider~~ applicant shall install a secondary water system in accordance with the provider's requirements or standards. (Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02; #11-2005, 8/16/05)

13b. Where the County, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the ~~Subdivider~~ applicant shall provide for the transfer of irrigation water rights by either of the following methods as determined by the Planning Commission.

a. The ~~Subdivider~~ applicant shall ~~cause to be~~ form a lot Owners Association as a non-profit corporation for the purpose of owning the irrigation water rights or stock for the lots in the subdivision. The ~~Subdivider~~ applicant shall transfer to the Association at the time of subdivision recording, sufficient rights or stock as required by the irrigation agency for the number of lots in the subdivision. The Articles of Incorporation of the Association shall provide, in addition to the Association owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the Association, ~~that he~~ is entitled to a pro rata share of irrigation water, ~~that he~~ is subject to a water distribution schedule and procedure established by the Association, and ~~that he~~ is responsible for his share of the costs of ditch and system maintenance and assessments as made by the Association from time to time, or

b. The ~~Subdivider~~ applicant shall provide the County with evidence that ~~he holds~~ sufficient irrigation water rights or shares for all of the lots in the subdivision are held by the developer/property owner. At the time of recording the approved subdivision plat, ~~he the developer/property owner~~ shall record a covenant to run with the land ~~in the subdivision, acknowledging that he holds sufficient irrigation water rights or shares for the lots in the subdivision,~~ that these rights or shares will not be disposed of except to the lots in the subdivision and ~~that with the sale of each lot, he will a~~ transfer at no cost, the required water rights or shares needed to properly irrigate the lot, to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures. (Amd. Ord. #22-87 12/14/87)

14. Fire Protection. A letter from the Weber Fire District approving the fire protection method shall be provided prior to final approval of the subdivision ~~by the Planning Commission~~. Before a ~~Building or~~ a Land Use Permit is issued, the ~~approved~~ fire protection method shall be operational, and a letter to that effect will be required from the Weber Fire District. (Amd. Ord. #4-86, 3/10/86; #2002-11, 6/18/02)

15. Subdivisions located in the Forest and Forest Valley Zones shall have requirements in the Subdivision Covenants, Conditions, and Restrictions on Wildfire mitigation as outlined by the Weber County Fire District. (Amd. Ord. #17-91, 8/27/91; #2002-11, 6/18/02)

26-4-3 Guarantee of Improvements.

1. All improvements shall be installed prior to issuance of any ~~Building and/or~~ Land Use Permit within a

newly approved subdivision. The only improvement that may not be required prior to construction of a dwelling is the asphalt, chip and seal, landscaping, secondary water (if not in the right-of-way), and curb, gutter, and sidewalk on the road. All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one (1) year of asphalt placement on a new road, will require a special permit and include requirements for special backfill and asphalt replacement.

(Amd. Ord #11-2005, 8/16/05)

The ~~subdivider~~ applicant shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow which will allow the recording of a subdivision. The recording of the subdivision will allow the developer to sell the lots, ~~but not allow Building and/or Land Use Permits to be issued until all improvements are installed, except for the asphalt and chip and seal on the road.~~ (Amd. Ord #2009-32, 12/22/09)

The ~~subdivider~~ applicant shall furnish and file with the County Commission the escrow of the Weber County Engineer in an amount equal to the future cost of the installation of the improvements at the termination of the financial guarantee period as estimated by the County Engineer, to assure the installation of ~~such~~ improvements within two (2) years. The escrow shall be approved by the County Commissioners and County Attorney. (Amd. Ord #2009-32, 12/22/09)

Upon the developer's completion of the construction of roads and utility lines, the developer's Engineer shall prepare and submit as built plans for all improvements for the approval of the County Engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible mylars prior to the County acceptance for maintenance of roads.

2. Upon completion of all improvements, ten percent (10%) of the approved financial guarantee shall be retained by Weber County for a period of one (1) year at which time, upon recommendation of the County Engineer, the roads may be accepted for maintenance by the County.
3. ~~The Planning Commission is authorized to prescribe by administrative rule or regulations, forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the guarantee of improvements in strict compliance with the requirements of this Ordinance.~~ (Amd. Ord. #2002-11, 6/18/02)
- 4 3. Whenever the ~~subdivider~~ applicant develops a subdivision a portion phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available ~~for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time herein before specified.~~ The ~~subdivider~~ applicant shall be responsible for coordinating the installation of utility, street, water lines, fire hydrants, and all other required improvements with the buyers of lots. (Amd. Ord. #2002-11, 6/18/02)
- 5 4. The County Engineer ~~is authorized, at the request of the subdivider applicant, to execute a release of portions of the escrow agreement when all obligations as to which have been fully performed by the~~ installation of the improvements. (Amd. Ord. #3-85, 4/17/85; #2002-11, 6/18/02; #2009-32, 12/22/09)
- 6 5. The ~~subdivider~~ applicant shall deposit with the County Engineer at the time of Final Plat approval, an amount of money equal to the estimated cost of purchase and installation of the Traffic Control and Street Name signs ~~required for proper completion of subdivision traffic direction.~~ (Amd. Ord. #13-91, 6/26/91; #11-2005, 8/16/05)
6. The ~~subdivider~~ applicant shall sign a Survey Monumentation Improvement Agreement and pay applicable fees associated prior to the County Surveyor signing the final subdivision plat mylar, deposit with the County Surveyor at the time of Final Plat Approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision. The subdivider's surveyor shall install such monuments within one year time period, after the asphalt is installed. (Amd. Ord. #13-91, 6/26/91; #11-2005, 8/16/05)
- 8 7. New subdivisions having to utilize a road that is substandard in road right of way width and/or improvements ~~Development on roads that are substandard to county road width requirements shall not be consider for approval or extension allowed to extend the road, until the entire substandard road is fully~~

improved to County Public Work Standards county road width and standards.

(Amd. Ord #11-2005, 8/16/05)

26-4-4 Inspection of Improvements.

The County Engineer, Building Inspector, County Surveyor, and County Health Officer shall inspect ~~or~~ ~~cause to be inspected~~ all buildings, structures, streets, street monuments, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered over or back-filled until such installations ~~shall~~ have been approved by the County Engineer, or utility owner's representative. If any ~~such~~ installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the County Engineer.

(Amd. Ord. #3-82, 6/26/82; #2002-11, 6/18/02; #11-2005, 8/16/05)
